

JOURNAL

OF

THE SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON SATURDAY THE THIRTY FIRST
DAY OF DECEMBER, IN THE YEAR OF OUR LORD, 1842, AND OF
THE COMMONWEALTH, THE FIFTY FIRST.

FRANKFORT, KY.

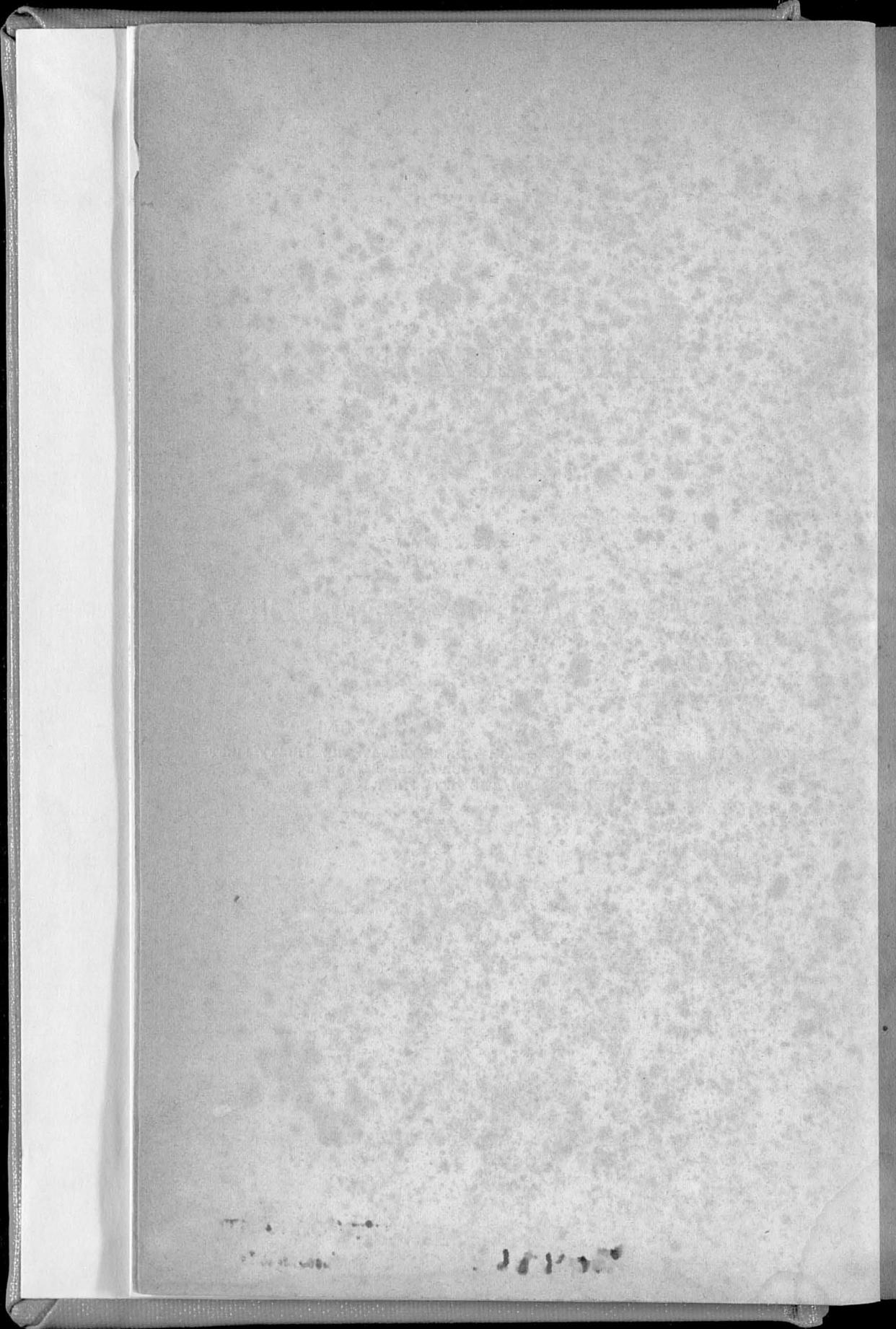
A. G. HODGES.....STATE PRINTER.

1842.

UNIVERSITY OF KENTUCKY
LAW LIBRARY

UNIVERSITY OF KENTUCKY

20916. LAW LIBRARY



JOURNAL OF THE SENATE.

At a General Assembly, begun and held for the State of Kentucky, at the Capitol in the town of Frankfort, on Saturday the 31st day of December, one thousand eight hundred and forty two, it being the day appointed by law for the meeting of the General Assembly—Manlius V. Thomson, the Lieutenant Governor, took the Chair as Speaker of the Senate, and the following members of the Senate appeared and took their seats, to-wit:

From the first Senatorial District, Thomas James; from the second, Hiram McElroy; from the third, Samuel B. Jesup; from the fourth, James V. Walker; from the fifth, William R. Griffith; from the sixth, William V. Loving; from the seventh, Asa Young; from the ninth, John D. Alexander; from the tenth, Parker C. Hardin; from the eleventh, Rodes Garth; from the twelfth, William Sterett; from the fifteenth, Henry Pirtle; from the seventeenth, Walter C. Drake; from the twentieth, Robert B. McAfee; from the twenty first, Alfred Boyd; from the twenty second, Winford G. Bailey; from the twenty fifth, John Wallace; from the twenty sixth, John Bennett, from the twenty eighth, Benjamin B. Johnson; from the twenty ninth, Hugh Newell; from the thirty first, William Rodes; from the thirty third, Samuel L. Williams; and from the thirty seventh, Mason Williams.

The said James V. Walker, Walter C. Drake, Alfred Boyd, John Wallace, and Hugh Newell severally produced certificates of their election, and took the oaths required by the Constitution of the United States, and Constitution of this State.

James Stonestreet was unanimously elected Clerk of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States, and Constitution and laws of this State.

John Mayhall and A. C. George were nominated as proper persons to fill the office of Sergeant-at-Arms of the Senate during the present session. Upon taking the vote it stood thus:

Those who voted for Mr. Mayhall, were—

Messrs. Bailey,
Bennett,
Garth,
Griffith,
James,
Jesup,

Loving,
McAfee,
McElroy,
Newell,
Pirtle,
Rodes,

Sterett,
Wallace,
Walker,
Williams, M.
Williams, S. L.
Young—18.

Those who voted for Mr. George, were—

Messrs. Alexander, Drake,	Hardin,	Johnson—4.
------------------------------	---------	------------

John Mayhall having received a majority of all the votes given, was declared duly elected Sergeant-at-Arms of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

Mr. G. Clayton Slaughter, a member of the Senate from the eighteenth Senatorial District, appeared and took his seat.

Mr. Dillis Dyer, a member of the Senate from the thirteenth Senatorial District, appeared, produced a certificate of his election, and having taken the oaths required by the Constitution of the United States, and the Constitution of this State, took his seat.

Charles M. Alexander, Samuel Sympson, Lewis B. Fenwick, William Mathews, Richard Pemberton, John D. McClure, and John J. Vest were nominated as proper persons to fill the office of Doorkeeper of the Senate during the present session. Upon taking the vote it stood thus:

Those who voted for Mr. Alexander, were—

Messrs. Alexander, Dyer,	Garth, Hardin,	James, Loving—6.
-----------------------------	-------------------	---------------------

Those who voted for Mr. Sympson, were—

Messrs. Sterett,	Walker,	Young—3.
------------------	---------	----------

Those who voted for Mr. Fenwick, were—

Messrs. Bailey, Bennett, Griffith, Jesup,	Johnson, Pirtle, Rodes,	Slaughter, Williams, M. Williams, S. L.—10
--	-------------------------------	--

For Mr. Mathews—Messrs. Boyd and Drake.

For Mr. Pemberton—Robert B. McAfee.

For Mr. McClure—John Wallace.

For Mr. Vest—Messrs. McElroy and Newell.

Mr. William Chenault, a member of the Senate from the twenty third Senatorial District, appeared, produced a certificate of his election, and having taking the oaths required by the Constitution of the United States, and Constitution of this State, took his seat.

No one having received a majority of all the votes given for Doorkeeper, a second vote was taken, and it stood thus:

Those who voted for Mr. Alexander, were—

Messrs. Alexander, Dyer,	Garth, Hardin,	James, Loving—6.
-----------------------------	-------------------	---------------------

Those who voted for Mr. Sympson, were—

Messrs. Sterett,	Walker,	Young—3.
------------------	---------	----------

Those who voted for Mr. Fenwick, were—

Messrs. Bailey, Bennett, Chenault, Griffith,	Jesup, Johnson, Pirtle, Rodes,	Slaughter, Williams, M. Williams, S. L.—II
---	---	--

For Mr. Mathews—Messrs. Boyd and Drake.

For Mr. Pemberton—None.

For Mr. McClure—John Wallace.

For Mr. Vest—Messrs. McAfee, McElroy and Newell.

No one having received a majority of all the votes given, on the motion of Mr James,

Resolved by the Senate, That hereafter in voting for Doorkeeper, they will drop the hindmost.

The Senate proceeded to vote a third time for Doorkeeper, and the vote stood thus:

Those who voted for Mr. Alexander, were—

Messrs. Alexander, Boyd, Dyer,	Garth, Hardin,	James, Loving—7.
--------------------------------------	-------------------	---------------------

Those who voted for Mr. Sympson, were—

Messrs. Sterett,	Walker,	Young—3.
------------------	---------	----------

Those who voted for Mr. Fenwick, were—

Messrs. Bailey, Bennett, Chenault, Griffith,	Jesup, Johnson, Pirtle, Rodes,	Slaughter, Williams, M. Williams, S. L.—II
---	---	--

For Mr. Mathews—W. C. Drake.

For Mr. Pemberton—None.

For Mr. McClure—John Wallace.

For Mr. Vest—Messrs. McAfee, McElroy and Newell.

No one having received a majority of all the votes given, a fourth vote was taken, and it stood thus:

Those who voted for Mr. Alexander, were—

Messrs. Alexander, Boyd, Dyer,	Garth, Hardin, James,	Loving, Wallace—8.
--------------------------------------	-----------------------------	-----------------------

Those who voted for Mr. Sympson, were--

Messrs. Sterett,	Walker,	Young—3.
------------------	---------	----------

Those who voted for Mr. Fenwick, were--

Messrs. Bailey, Bennett, Chenault, Drake,	Griffith, Jesup, Johnson, Pirtle,	Rodes, Slaughter, Williams, M. Williams, S. L.—12
--	--	--

Those who voted for Mr. Vest, were--

Messrs. McAfee,	McElroy,	Newell—3.
-----------------	----------	-----------

No one having received a majority of all the votes given, and Messrs. Vest and Sympson having received the same number of votes, and being hindmost, on the motion of Mr. Rodes, a vote was taken between them, and it stood thus:

Those who voted for Mr. Sympson, were--

Messrs. Alexander, Boyd, Dyer,	Griffith, Hardin, Sterett,	Walker, Young—8.
--------------------------------------	----------------------------------	---------------------

Those who voted for Mr. Vest, were--

Messrs. Bailey, Bennett, Chenault, Drake, Garth, James,	Jesup, Johnson, Loving, McAfee, McElroy, Newell,	Pirtle, Rodes, Slaughter, Wallace, Williams, M. Williams, S. L.—18
--	---	---

The Senate then proceeded to vote for Doorkeeper a fifth time, and it stood thus :

Those who voted for Mr. Alexander, were--

Messrs. Alexander, Boyd, Dyer, Garth,	Hardin, James, Loving,	Wallace, Walker, Young—10.
--	------------------------------	----------------------------------

Those who voted for Mr. Fenwick, were--

Messrs. Bailey, Bennett, Chenault, Drake,	Griffith, Jesup, Johnson, Pirtle,	Rodes, Slaughter, Williams, M. Williams, S. L.—12
--	--	--

Those who voted for Mr. Vest, were--

Messrs. McAfee, McElroy,	Newell,	Sterett—4.
-----------------------------	---------	------------

JAN. 2.]

JOURNAL OF THE SENATE.

No person having received a majority of all the votes given, the Senate again voted for Doorkeeper, and it stood thus:

Those who voted for Mr. Alexander, were—

Messrs. Alexander,	Hardin,	Sterett,
Boyd,	James,	Wallace,
Dyer,	Loving,	Walker,
Garth,	McElroy,	Young—12.

Those who voted for Mr. Fenwick, were—

Messrs. Bailey,	Jesup,	Rodes,
Bennett,	Johnson,	Slaughter,
Chenault,	McAfee,	Williams, M.
Drake,	Newell,	Williams, S. L.—14
Griffith,	Pirtle,	

L.-12
Iessrs.
being
them,

L.-18
and it

Lewis B. Fenwick having received a majority of all the votes given, was declared duly elected Doorkeeper of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

On the motion of Mr. Pirtle,

Resolved, That the Clerk of the Senate be authorized to appoint an assistant Clerk during the present session, to be responsible for the duties of the assistant, and that he have power to remove him at pleasure.

The Clerk, with the consent of the Senate, appointed Theodore Cohlhass assistant Clerk. Whereupon he took the several oaths required by the Constitution of the United States, and Constitution and laws of this State.

And then the Senate adjourned.

MONDAY, JANUARY 2, 1843.

Mr. Daniel Morgan, a member of the Senate from the thirty fifth Senatorial District, appeared and took his seat.

Mr. John S. Morgan, a member of the Senate from the twenty seventh Senatorial District; Mr. Tucker Woodson, a member of the Senate from the thirty second District, and Mr. William Conner, a member of the Senate from the thirty fourth Senatorial District, appeared and severally produced certificates of their election, and having taken the oaths required by the Constitution of the United States, and Constitution of this State took their seats.

On the motion of Mr. J. S. Morgan,

Ordered, That a committee be appointed to inform the House of Representatives that the Senate have met, elected their officers, and are now ready to proceed to Legislative business; and Messrs. J. S. Morgan, Loving and Bennett were appointed said committee.

A message was received from the House of Representatives, by Mr. Thomasson, announcing that they had met and organized, and are now ready to proceed to Legislative business.

Messrs. Young and James were appointed a committee, on the part of the Senate, to wait upon the Governor and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make.

The committee, on the part of the Senate retired, and after a short time returned, when Mr. Young reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would make a communication in writing to each House in a few minutes.

On the motion of Mr. McAfee,

Resolved, That A. E. Drapier and William Tanner be, and they are hereby permitted to take seats within the bar of the Senate, for the purpose of reporting its proceedings.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State, which was read as follows, *to-wit*:

*Gentlemen of the Senate,
and House of Representatives:*

Since the close of your last session, our beloved Commonwealth, I am happy to say, has been favored with almost uninterrupted good health, and at the same time the most abundant crops. These great blessings have been bestowed upon us by the Great Author of all good, to whom we owe the sincere expressions of our devoted and unceasing acknowledgments of gratitude.

You have again assembled as the Representatives of a free and enlightened people, to deliberate upon such measures of public concern as you, in your wisdom, may deem most essential to advance their interest and happiness.

It must be acknowledged on all hands, you meet under very embarrassing circumstances, and that the task which devolves upon you at this moment as the guardians of the people's rights, is unusually onerous and responsible. In truth it may be well said, at no period of our history, since the organization of the government, was ever more practical experience, more dispassionate firmness, more calm deliberation, or more enlightened judgment, requisite in the councils of the State.

JAN. 2.]

JOURNAL OF THE SENATE.

9

The people, with a perfect knowledge of the precarious posture of their public affairs, fully confiding in your intelligence and known attachment to the honor and welfare of the Commonwealth, have selected you at this critical juncture, especially to guard and protect its best interests.

They do not, I presume, expect from you a redress of all the grievances of which they have the most perfect right justly to complain, because they know the great remedy for the evils they are bearing, is not in your hands; but at the same time, they look to you not for unsafe or dangerous experiments, but for prudent, practical and wholesome legislation.

Animated, as I am convinced you are, by the same high consideration of common love of country, of sincere devotion to its interest and its honor, ready to stand by it in the hour of its greatest need, I feel the most abiding assurance, that momentous and responsible as the duty confided to your charge may be, it will nevertheless be performed in a spirit of true and exalted patriotism.

Our country at this moment, I am grieved to say, presents an aspect truly astonishing, and at the same time equally afflicting. Abounding in every variety and profusion of the richest products of the earth, enjoying the blessings of peace with all the world at home and abroad, "no pestilence, no famine;" yet, with all these great advantages, our chief rulers have, by some means or other, so contrived to mismanage and to derange our public affairs as to empty the National Treasury, to destroy confidence in monetary matters, to reduce the price of every species of property, to cripple commerce, to paralyze enterprize, to put down the wages of labor, to deprive the States of the proceeds of the public lands, and to create universal distress and distrust in the nation. That such is the unfortunate predicament of the country, throughout its whole extent, with here and there occasional exceptions and modifications resulting from local advantages, it appears to me admits of no sort of controversy.

And all these calamities result as I believe—with all due deference to the opinion of others—mainly from the simple fact, that, the General Government has failed to comply with its high constitutional functions in refusing to provide and to establish a sound, uniform national currency, adequate to the business wants of the country. It seems to me perfectly manifest—and I say it most respectfully—to place the country in a proper position, to restore it to its former prosperity, to enable it to regain its lost character, to give it life and strength and confidence, we must have a fixed, equal, good circulating medium, furnished either through the agency of a well regulated National Bank, or, in some other mode equally salutary and efficient. Once, we were blessed with as good, if not the best, currency in the world, and being deprived of that, we have experienced little else than trouble from that day to this.

We have seen the thrifty man suddenly ruined, we have seen the man of enterprize and industry visited by a similar reverse, we have seen the laboring man at the same time thrown out of employment, and his family at once deprived of their accustomed comfort and support, we have seen the farmer in the midst of his surplus abundance, greatly distressed for the want of a market. In short, we have seen a whole country with a good currency cheerful and happy, and without it, gloomy and wretched.

We have been deluded and tortured from time to time with experiments, expedients and substitutes, all to no useful purpose, and now, a Government Exchequer financial contrivance is proposed which, if adopted, I fear will have no better effect.

The sovereign remedy for the afflicting malady under which we have suffered so long and so severely is, I think, in the power of our national rulers. Whenever they may be pleased to administer it, speedy symptoms of recovery will soon follow. Until that is done, the disease can never be entirely eradicated, though there may be occasional temporary intervals of improvement.

But upon this subject, and also in reference to the necessity of a good, substantial, permanent tariff, affording an ample revenue, and at the same time just protection to our own home labor, when coming in competition with foreign labor, I have upon two several occasions given, most respectfully to the Legislature, my views more in detail, and it is not now my purpose, by any means, to repeat the arguments which influenced those views. I beg leave, however, to say, the opinions I then had the honor to express, are still entertained with the most unshaken confidence in their correctness.

But amidst all these appalling embarrassments of prostrated confidence and reduced prices of property, to which I have alluded, it affords me great consolation to say, the people of the State have borne themselves most firmly and nobly. Admonished by experience to adopt the wisest course of action in such emergencies, looking for assistance from no other quarter than Divine Providence and their own united efforts, they determined promptly, if that desirable end could be attained, to extricate themselves from the oppression with which they have been so wrongfully visited. They therefore engaged in the work at once actively and earnestly; hence during the present year, a large amount of debt has been both extinguished and arranged upon time. This has been effected by the self-sustaining energy, untiring industry, and rigid economy of the people.

Practicing upon the safe maxim of selling *more* and buying *less*, they have sold every thing that would command a market even at prices shamefully low, and gone in debt for nothing they could possibly do without. By this process, the aggregate amount of indebtedness has been much reduced and is still reducing, and at the same time, better symptoms of reviving confi-

dence in some degree, appear to prevail. It is now hoped the great crisis has passed, and that more cheering prospects are ahead. And should the creditor portion of the community in a laudable spirit of liberality, of sympathy, of forbearance, extend to the honest struggling debtor class all proper indulgence, and avoid, as far as practicable, ruinous sacrifices of their property, and thereby weaken their ability to pay, the fruits of such forbearance would be highly beneficial in most instances to both parties, and of course, a further improvement would immediately follow.

In this trying period of adversity, our Banks—which have undoubtedly been conducted with great caution, and which are believed to be as safe and as sound as any Banks in the Union—have afforded, though in a limited degree, no inconsiderable assistance to the community. They adopted, I think, the most advisable course of furnishing facilities in aid of the business of the country in smaller amounts than had been their previous practice; and in that way, a greater number of persons received accommodations. They resumed specie payments the first of June last, and have been fully able to sustain themselves without the slightest difficulty, and without diminishing their circulation. The amount of specie now on hand, moreover, in the Banks, is considerably larger in the aggregate, as appears by the official reports, than it was at the period of resumption. Of their entire and complete ability to sustain themselves in specie payments, no reasonable doubt can be entertained. But hereafter, under no circumstances whatever, as it appears to me, should another suspension of specie payments ever occur, or be allowed so long as there is left in the vaults a single dollar. They are in a condition now, I am happy to say, to increase their circulation without hazarding their safety. And should the business of the country require it, I am encouraged to believe they will adopt that course cheerfully and promptly. This step on the part of the Banks of extending their circulation is the more necessary, important and expedient as it is quite evident, there is still in the country, to some extent, a pecuniary pressure which they can be very instrumental in relieving until the new crops are brought into market, without endangering by any means, their ability to meet all their own engagements.

Their paramount duty, of course, is to hold themselves in a position at all times to redeem all their liabilities in specie. That point should be guarded vigilantly. Their next duty is to aid the great agricultural interest which is now much depressed—and which, at last, is the foundation of all other interests—with such facilities as may be useful in sending their surplus products to market.

Our crops of every description—most providential for us—I am happy to say, have never been so great, indeed so exceedingly abundant in any previous year since the settlement of the country, as they now are. From

these resources—taking into the estimate also our surplus horses, mules, hogs and cattle, reduced as the prices are—we shall be able to realize quite a heavy amount of money, and great as the pressure has been, and to some extent may still be, may not the strong hope, indeed conviction, be entertained, by pursuing the course which has already been adopted, of persevering industry, systematized economy and mutual forbearance and indulgence towards each other, the good people of this Commonwealth will be able, triumphantly, to cast off the load of oppression which they have borne so long, and be once more restored to a state of prosperity? And may not the consoling hope be furthermore indulged upon the happening of that event—profiting by the lessons of severe experience—they will never again place themselves in a similar condition, under the vain expectation that just measures will always emanate from the General Government, or that unpropitious fortune will never overtake them.

It will be seen by the annual report of the Second Auditor, made at your last session, that the balance remaining in the Treasury at the close of the fiscal year of 1841, was \$28,345 80. I have now the pleasure of informing you, that by the report of that officer, which will be communicated to you at an early day of the present session, it will be perceived the receipts into the Treasury of the ordinary revenue for the fiscal year ending the 10th October, 1842, have been sufficient to pay all the demands upon it, and left a surplus of \$61,887 69. With the exception of the two periods above mentioned, the ordinary annual expenses of the government exceeded its receipts, in sums varying from \$17,000 to \$96,000; and the revenue of the succeeding year had to be anticipated by over drafts or loans from the Banks.

The Auditor's report for the present year will also show the amount which has been received into the Treasury and paid to the Commissioners of the Sinking Fund under the act of the 17th February, 1841.

In my message at the commencement of the last session, it was stated, that the sum borrowed for Internal Improvement purposes, and for which bonds had been issued on behalf of the State—exclusive of those issued to the Board of Education and Commissioners of the Sinking Fund—amounted to the sum of \$3,401,500, of which \$515,000 was at an interest of five per cent., and \$2,886,500 at the rate of six per cent. per annum. Since that time, bonds and scrip have been issued bearing an interest of six per cent. to the amount of \$501,283, making the actual debt of the State \$3,902,783, as will be seen from a statement made by the Secretary of State and annexed to this communication.

It will also appear by that statement, that \$64,283 of the increased indebtedness of the State the past year, has been incurred for the repair of the Lexington and Ohio Railroad, leaving \$437,000, expended for public improvements other than the Railroad.

The act of the last session authorized the expenditure of \$420,000 for the rivers and roads, and \$100,000 for the repair of the Railroad; and directed the Governor to issue the bonds of the State for those amounts; subject, however, to the condition, that the amount issued should not exceed the resources of the Sinking Fund, to pay the interest thereon. In consequence of that proviso in the act, and under the advice of the Commissioners of the Sinking Fund, the whole amount of the appropriation of last session has not been issued.

And I take the occasion here to state, that, in estimating the resources of the Sinking Fund to pay the interest on the public debt, the Legislature doubtless acted on the supposition, that the act of 17th of February, 1841—which was limited to two years—would be re-enacted and continued in force for at least several years after that period. The increase of the public debt authorized by the laws of the two last sessions, was based on that presumption. And it is very clear, indeed must be palpably evident to every one who will look into the subject for a single moment, that without the continuance of that act, more especially as there is a falling off within the last year in the aggregate value of property assessed for taxation of thirty millions of dollars—the resources of the Sinking Fund will be insufficient to meet the interest of the public debt. I deem it unnecessary at present to give the details showing the correctness of this opinion. It will be seen by the annual report of the Commissioners of the Sinking Fund, which will shortly be laid before you, exhibiting the several amounts received and disbursed the present year, and an estimate of the receipts and expenditures for the next year.

It affords me great satisfaction to say, the interest, as it accrued on the public debt, has been punctually paid, without the delay of a single day up to the 1st of January, 1843, and that our credit deservedly stands as high abroad as that of any State in the Union.

The renovation of the Lexington and Ohio Railroad, in virtue of an appropriation of the last Legislature, is now in active progress. It would have been finished by the last of November, but for the failure of some of the contractors to deliver timbers in due time. The locomotive engines have been purchased and delivered; and the work has been thus far remarkably well executed; and when completed—which will be in a few weeks—the road will be very serviceable to the public as well as profitable to the State.

The controversy with the Schuylkill Bank of Philadelphia, growing out of the stupendous fraud perpetrated by that institution on the Bank of Kentucky—in which the State is very materially interested—is still undecided. A suit in chancery authorized by a special act of the last Pennsylvania Legislature, embracing the whole subject matter in dispute and bringing all the offending parties before the court, is now in vigorous prosecution. I am advised a speedy and favorable decision, without any doubt, may be expected.

Our portion of the proceeds of the public lands under an act of Congress, amounting to the sum of \$24,731 31, has been received. It is to be regretted that this act, shortly after it went into operation, was repealed, by which, as I think, we have, with other States, been deprived of our just rights, but I trust only for a very short period.

Congress, at its last session passed "an act for the apportionment of Representatives among the several States according to the sixth census," a copy of which is transmitted herewith. It will be seen from this act, that the number of Representatives to which this State will be entitled in the next Congress, is reduced to ten. The duty of laying off the State into that number of districts will devolve on the present Legislature.

Permit me to call your attention to the laws authorizing the collection of fines imposed in prosecutions for misdemeanors. I have been informed that a recent decision of the Court of Appeals has made the question a doubtful one, whether under the existing laws, a defendant committed to jail under a writ of *capias pro fine*, is not entitled to the prison rules, the limits of which are co-extensive with the State. It is important the law on this subject should be made clear and explicit.

The new buildings, consisting of the Clerk's office, the Arsenal, Store rooms, &c. attached to the Penitentiary, have been handsomely finished, and add very much to the convenience of the establishment. The institution is managed in the same commendable manner as heretofore noticed, and is, I think, doing exceedingly well. Its discipline appears to be based upon principles of benevolence, mixed at the same time with firmness and decision.

Owing to the numerous and constantly increasing obstructions in both the great western rivers, Mississippi and Ohio, navigation is rendered extremely unsafe and hazardous. The immense destruction of life and property which is daily occurring in consequence of the shameful and wretched condition of these rivers, is almost beyond credence or endurance. Many, very many, Steam Boats, to say nothing of various other trading vessels with their valuable cargoes, within the last year have been totally wrecked upon these waters. Our citizens have incurred heavy losses in this way, and the evil is daily increasing. It is the business, indeed the imperative duty of the General Government, to make adequate appropriations to remove the obstructions in these National rivers without delay. Formerly, it was attended to, but recently it has been very much neglected. It is true, at the last session of Congress by great exertions on the part of our members, a small sum was appropriated for this purpose, but it is scarcely enough to prepare for the work. Our stake, in this matter is too deep, too vital, to allow us to remain longer silent or inactive. I recommend, therefore, that a memorial conveying the opinions, feelings and anxieties of the citizens of our

State upon this momentous subject be speedily transmitted to Congress. I am persuaded if the subject were perfectly understood in all its connections and aspects, the necessary appropriations could not, and would not, be withheld. The cause is one of justice and humanity, and calls aloud for immediate action.

The law creating the office of Second Auditor expires by its own limitation the present session of the Legislature. This department has been conducted with great efficiency, and it gives me pleasure to say, has proved most useful to the Commonwealth in every respect. I deem its re-enaction highly expedient, if not indispensably necessary, to the interest of the State, and therefore recommend it most respectfully to your favorable consideration. In the event the law is re-enacted, I recommend, moreover, the duty now in charge of the First Auditor, of calculating the interest and making the proper endorsement upon the six years State Bonds, when presented by the holders for the payment of interest due thereon, be transferred to the Second Auditor. The performance of this duty requires great accuracy in calculation, and it is highly important to the State to avoid all mistakes. The First Auditor, I am sorry to say, has been in feeble health for a considerable length of time, and it would, therefore, be quite proper to place this branch of business under the control of the Second Auditor.

The annual report of the Superintendent of Public Instruction will shortly be laid before you, showing in detail the progress of the Common School System, the number of school districts established under it, and their present condition.

It will be perceived the State is in arrears to the organized districts. The sum to be sure is not large, but still, immediate provision should be made to pay it. The dividends of the Bank of Kentucky, which the Common School Commissioners expected to receive, it will be remembered, were appropriated by an act of the last session of the Legislature, to the benefit of the school at Louisville for educating the Blind.

It is quite apparent, I think, from the slow progress which is made in the establishment of Common Schools, and the fierce opposition with which they are met in almost every quarter of the State, the existing system is by no means generally acceptable to the country. It is no doubt materially defective, and in its practical bearings in many instances, operates oppressively and unjustly upon portions of the community. I recommend, therefore, most respectfully, that it be amended, modified or so changed as to remove its objectionable features. The whole subject is one of too much moment to the present and coming generation to be neglected or abandoned. It cannot be doubted by any one, at this enlightened period of the world, that a wise and a well regulated system of general education, in a free government, creates of itself a tower of strength both moral, civil and religious. It forms

a broad mantle, which covers the poor man's offspring as well as the rich man's. It protects the fatherless, and provides for the pennyless; imparts to them a word of comfort, bids them to be of good cheer, opens the way to the highest stations in society, places them upon more just grounds of equality with those who have been born under better auspices, and holds out the encouraging promise, that, though they may be destitute and obscure, they shall not be forgotten by the country. Those who are thus cherished and educated are not likely ever to prove traitors to the country, either in the ranks of the army, or at the head of the civil department of the government, and may frequently turn out to be the most useful and illustrious citizens of the Commonwealth.

Our institutions of learning of the higher order in the State, I am gratified to believe, are succeeding admirably well. The Transylvania University having recently been re-organized, has opened under the most flattering auspices, and I am happy to say, now promises to become highly useful and to fulfil the expectations of its warmest friends.

The annual report of the Board of Internal Improvement will in a few days be submitted to your consideration, to which I beg leave to refer you for information in detail, both as regards the present condition of the public works and the expenditures connected with the same.

From this report it will be perceived that the navigation by means of slack water upon the Green and Kentucky rivers, both as regards safety, certainty and utility, is tested beyond all question, even at the lowest stage of water. The Green river works, it affords me great pleasure to say, though in their infancy, by means of tolls during this year, have paid into the Treasury \$1,500, and I understand will in a few days pay a further sum of \$500. This is certainly a flattering beginning, and the hope is entertained that they will hereafter yield a handsome income to the State. The works on the Kentucky river, including lock and dam No. 5, have been completed. The water power created by these improvements, to say nothing of many other advantages, is deemed of essential value and should be carefully guarded.

The improvements on Licking River, it will be seen from the report, have been discontinued.

It is very manifest that the Turnpike roads, with a few exceptions, are not in a flourishing condition, indeed that many of them are badly managed, and unless the Legislature devise some efficient regulations to enforce a more certain and speedy accountability against those who have them in charge, the interest of the State will suffer materially.

The existing laws upon the subject are either defective or very lamely executed. The State has incurred enormous expenditures in making these improvements, and certainly it is her duty to guard herself against all im-

sition. The whole proceeds derived from the roads, for the year ending the 10th of December amount only to the sum of \$11,978.

The plan suggested in the report alluded to, of leasing the roads for a term of years, taking care to protect the interest of the State, both as to repairs and securing the amount stipulated to be paid in the safest manner, is a proposition worthy of your serious consideration. The whole subject, however, is before you, and I beg you to look into it closely.

I have heretofore, in two several communications to the Legislature, most respectfully admonished them against a further increase of the State debt for purposes of Internal Improvement. I now repeat the admonition most earnestly and anxiously, but at the same time with all due humility. I do not mean to underrate the utility and the value of the public works already completed. I am aware, also, our debt, comparatively speaking, is not large, and that our resources are great; but still, frankness and duty compel me again to express the opinion, it is both inexpedient and unjust to prosecute the scheme further at this time. The State is not in a condition to justify a further expenditure. Let us look to the payment of the existing debt without turning to the right or to the left. Let us concentrate all our energies and all our means to rid the State of embarrassment, and once more place her upon elevated ground. Our constituents are particularly alive to the obligations of good faith; they are honest in all their transactions; lofty in their bearing, and closely wedded to the Commonwealth, its honor, its character and its glory. They wish to pay what they owe, *and to owe no more*: they scorn repudiation in every form and shape, and never will, I venture to assert, allow it an abiding place in Kentucky. This fact is established by the unanimous vote of both Houses of the Legislature, at its last session upon this subject. What is the character of a repudiating State worth in the estimation of the people of the whole civilized world? Our constituents may be hard pressed, but never can be induced voluntarily to bring disgrace upon themselves or their posterity. Repudiation and Kentucky are words not made for each other. Our character now stands without blot or stain before the world, and I must say, is worth preserving at all hazards. These, I verily believe, are the sentiments and feelings of every human being in the State. Let us always maintain that character. Let our renowned Commonwealth keep herself covered with a moral armour that shall forever remain unpolluted by the vile touch of repudiation. Let her be so upright in all her actions, and so discreet in the management of her public affairs, that the humblest citizen she may have when he crosses the borders of the State, shall feel proud to acknowledge himself a Kentuckian. May the day never come when he shall be ashamed to own his country.

In conclusion, allow me to express the ardent and sincere wish that your deliberations may be harmonious, and that the fruits of your labors may prove highly salutary to the country, and at the same time, to assure you that I will cordially and cheerfully co-operate with you in all measures which may be adopted for the good of the people of our beloved State.

R. P. LETCHER.

December 31, 1842.

Statement showing the actual amount, &c., of the public debt of the State of Kentucky to the 24th day of December, 1842.

Date of issuing Bonds.	Amount of each issue.	To whom issued and delivered.	Date of law authorizing their issue.	Amount authorized to be issued under each act.	Amount issued under each act.	When reimbursable or payable.	Rate of interest.	REMARKS.
1835, May 25, -	\$100,000	Bank of Kentucky,	{ Feb. 25, 1835,	\$1,000,000	\$200,000	30 years,	5 per cent.	
1835, August 1, -	100,000	Prime, Ward & King,	{ Feb. 29, 1836,	1,000,000	150,000	30 years,	5 per cent.	
1836, April 25, -	100,000	Northern Bank of Ky.	{ Feb. 23, 1837,	Limited by previous acts	{ 165,000	35 years,	5 per cent.	
1836, June 1, -	50,000	Bank of Kentucky,	{ Feb. 16, 1838,	1,250,000	1,250,000	30 years,	6 per cent.	
1837, April 1, -	165,000	War Department,	{ Feb. 22, 1839,	1,000,000	33,000	30 years,	6 per cent.	\$500 redeemed in 1842
1838, July 1, -	1,250,000	American Life Insurance and Trust Co.,	{ Feb. 21, 1840,	1,500,000		6 years,	6 per cent.	\$38,500 redeemed in 1842.
1840, —, -	32,500	Contractors & others,	{ and		1,632,500	30 years,	6 per cent.	
Between 22d April, 1840, and 19th February, 1841,	571,000	Public Contractors,	{			30 years,	6 per cent.	
1840, November 4, -	235,000	Northern Bank of Ky.	{			30 years,	6 per cent.	
1840, November 4, -	180,000	Bank of Kentucky,	{			30 years,	6 per cent.	
1841, between April 3, and January 3, 1842, inclusive,	608,000	Public Contractors,	{			30 years,	6 per cent.	
1842, between March 3, & December 23, inclusive,	407,000	{ Public Contractors and in exchange for six year bonds	{			30 years,	6 per cent.	
From 3d March, to 23d December, 1842, inclusive,	42,283	Contractors on Railroad,	{ Same act,	420,000	407,000	payable in 6 year bonds.		Issued to repair the Lexington and Ohio Railroad.
	22,000	To purchase engines,	{ Act of December 23, 1836, authorizing the Board of Internal Improvem't to borrow money.	100,000	64,283	6 years,	6 per cent.	
	30,000	Bank of Louisville,	{	-	40,000	temp. loan,	6 per cent.	
	10,000	Frankfort Br. Bank,	{					These were borrowed by the Board of Internal Improvement.
Total debt to 24th December, 1842, -	\$3,902,783							

JAN. 2.]

JOURNAL OF THE SENATE.

19

Present amount of debt,	-	-	-	-	-	\$3,902,783
As reported last year,	-	-	-	-	-	3,401,500
Actual increase,	-	-	-	-	-	\$501,283
Of which there was issued for the repair of the Railroad,	-	-	-	-	-	64,283
For other purposes of improvement,	-	-	-	-	-	\$437,000
Of which there was issued under the act of 1841,	-	-	-	-	\$69,000	
Special acts, to Hulme and Stoughton,	-	-	-	-	8,000	
						77,000
Issued under the appropriation of 3d March, 1842, of \$420,000,	-	-	-	-	\$360,000	
Leaving unappropriated	-	-	-	-	60,000	
						\$420,000
Appropriated for the repair of the Railroad,	-	-	-	-	\$100,000	
This amount expended,	-	-	-	-	64,283	
Leaving unappropriated,	-	-	-	-	\$35,717	
Amount bearing an interest of 5 per cent.	-	-	-	-	\$ 515,000	
Amount at an interest of 6 per cent.	-	-	-	-	3,387,783	
						\$3,902,783

Under the act of the last session \$38,500 of the 6 year 6 per cent. bonds have been exchanged for bonds payable in 30 years, which has reduced the issue of 6 year bonds from \$609,500, to \$571,000. In making the exchange a bond for \$500, issued under the act of February 22, 1839, was included, reducing that issue from \$33,000 to \$32,500.

JAMES HARLAN, *Secretary of State.*

DECEMBER 24, 1842.

Statement showing the amount, &c. of State Bonds issued to the Board of Education and Commissioners of the Sinking Fund.

Date of issuing Bonds.	To whom issued and delivered.	Amount.	Date of law authorizing the issue.	When reimbursable or payable.	Rate interest.	Remarks.
1837, May 15, - - - -	Board of Education, - -	\$500,000				
1837, July 1, - - - -	Board of Education, - -	170,000				
1837, Oct. 1, - - - -	Board of Education, - -	180,000	{ Act of Feb. 23d, 1837.	35 years.	{ 5 per cent.	
1837, Oct. 1, - - - -	Commissioners Sinking Fund,	20,000				
1839, Oct. 1, - - - -	Board of Education, - -	21,500				
1840, Jan. 1, - - - -	Board of Education, - -	22,000	{ February 22d, 1839.	30 years.	{ 6 per cent.	
1840, July, - - - -	Board of Education, - -	24,000				
		\$937,500				

RECAPITULATION.

Amount of five per cent. Bonds issued to the Board of Education,	- - - -	\$850,000
Amount of six per cent. Bonds issued to the same,	- - - -	67,500
		<hr/>
Total amount issued to Board of Education,	- - - -	917,500
Amount of six per cent. Bonds issued to the Commissioners of the Sinking Fund,	- - - -	20,000
		<hr/>
Aggregate amount issued to the Board of Education and Commissioners of the Sinking Fund,	- - - -	\$937,500

JAMES HARLAN, *Secretary of State.*

DECEMBER 24, 1842.

JAN. 2.]

JOURNAL OF THE SENATE.

21

AN ACT for the apportionment of Representatives among the several States, according to the sixth census.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the third day of March, one thousand eight hundred and forty-three, the House of Representatives shall be composed of members elected agreeably to a ratio of one Representative for every seventy thousand six hundred and eighty persons, in each State, and of one additional Representative, for each State having a fraction greater than one moiety of the said ratio, computed according to the rules prescribed by the constitution of the United States; That is to say; Within the State of Maine, seven; within the State of New Hampshire, four; within the State of Massachusetts, ten; within the State of Rhode Island, two; within the State of Connecticut, four; within the State of Vermont, four; within the State of New York, thirty-four; within the State of New Jersey, five; within the State of Pennsylvania, twenty-four; within the State of Delaware, one; within the State of Maryland, six; within the State of Virginia, fifteen; within the State of North Carolina, nine; within the State of South Carolina, seven; within the State of Georgia, eight; within the State of Alabama, seven; within the State of Louisiana, four; within the State of Mississippi, four; within the State of Tennessee, eleven; within the State of Kentucky, ten; within the State of Ohio, twenty-one; within the State of Indiana, ten; within the State of Illinois, seven; within the State of Missouri, five; within the State of Arkansas, one; and within the State of Michigan, three.

SEC. 2. *And be it further enacted,* That in every case where a State is entitled to more than one Representative, the number to which each State shall be entitled under this apportionment, shall be elected by districts composed of contiguous territory, equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative.

Approved, June 25, 1842.

Ordered, That the Public Printer print 3,000 copies of the said message, and 500 copies of the accompanying documents, for the use of the Senate.

On the motion of Mr. Woodson,

Resolved, That T. D. Tilford be allowed a seat in the Senate for the purpose of reporting its proceedings for the Commonwealth.

The Speaker laid before the Senate the annual report of the Second Auditor of Public Accounts, which is as follows, to-wit:

STATE OF KENTUCKY,
REVENUE DEPARTMENT,
Frankfort, January 2, 1843. }

SIR:

Enclosed I send the report from this department.

I am, sir, very respectfully,

THOS. S. PAGE, *Second Auditor.*

Hon. M. V. THOMSON,

Lieutenant Governor and Speaker of the Senate.

[*For the report--see Legislative Documents.*]

Ordered, That the Public Printer print 150 copies of the said report for the use of the Senate.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Pirtle—1. A bill to suppress usury and extortion.

On the motion of Mr. Jesup—2. A bill to amend the law establishing the town of Elkton, and for other purposes.

On the motion of Mr. McAfee—3. A bill to regulate the terms of the Circuit Courts of this Commonwealth.

On the motion of Mr. Hardin—4. A bill to amend the law in relation to attachments.

On the motion of Mr. Griffith—5. A bill for the benefit of Thomas Gore.

Messrs. Pirtle, Slaughter and Loving were appointed a committee to prepare and bring in the 1st; Messrs. Jesup, Pirtle and Hardin the 2d; Messrs. McAfee, Pirtle and J. S. Morgan the 3d; Messrs. Hardin, Loving and Pirtle the 4th; and Messrs. Griffith, Sterett and Wallace the 5th.

Mr. Garth moved for leave to bring in a bill to amend the law touching the importation of slaves in the State of Kentucky; and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Garth, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	James,	Sterett,
Boyd,	Jesup,	Wallace,
Drake,	Johnson,	Walker,
Garth,	McAfee,	Williams, M.
Griffith,	McElroy,	Young—15.

Those who voted in the negative, were—

Messrs. Bailey,	Hardin,	Rodes,
Bennett,	Loving,	Slaughter,
Chenault,	Morgan, J. S.	Williams, S. L.
Conner,	Newell,	Woodson—14.
Dyer,	Pirtle,	

Messrs Garth, Walker and James were appointed a committee to prepare and bring in said bill.

Mr. Young read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That we will, on Thursday next, proceed to the election of a United States Senator, for the next six years ensuing the fourth of March, 1843.

And then the Senate adjourned.

TUESDAY, JANUARY 3, 1843.

The following standing committees were appointed, to-wit:

On the Judiciary—Messrs. Pirtle, Payne, Hardin, Sterett and McElroy.

On Propositions and Grievances—Messrs. Walker, Sterett Griffith, S. L.

Williams and Newell.

On Privileges and Elections—Messrs. Huston, Loving, Garth, Johnson and Drake.

On Religion—Messrs. Rodes, Young, McAfee, M. Williams and Boyd.

On Internal Improvement—Messrs. J. S. Morgan, Wallace, Dyer, Loving and Bailey.

On Finance—Messrs. James, Sterett, Woodson, Slaughter and Newell.

On Education—Messrs. McAfee, Hughes, Bennett, Conner and Chenault.

On the Penitentiary—Messrs. D. Morgan, Griffith, Bailey, Drake and Huston.

On Military Affairs—Messrs. Jesup, S. L. Williams, D. Morgan, Wallace and McAfee.

On the Sinking Fund—Messrs. Dyer, Palmer and Rodes.

On Executive Affairs—Messrs. Hanson, Alexander and Boyd.

On the Public Buildings—Messrs. Loving, Young, Johnson, Hughes and M. Williams.

On Agriculture—Messrs. Slaughter, J. S. Morgan, Walker, Jesup and Chenault.

On Federal Relations—Messrs. Woodson, Pirtle, McAfee, Payne and Conner.

JOINT COMMITTEES.

On Banks—Messrs. Payne and J. S. Morgan.

On the Library—Messrs. Palmer, Garth and Bennett.

On the Public Offices—Messrs. Hardin and Conner.

On Enrollments.—Messrs. Bailey, Alexander and Conner.

1. Mr. Alexander presented the petition of Milton Smiley and William P. Sanfley, praying for compensation for taking in lists of taxable property in Cumberland county.

2. Mr. Boyd presented the petition of Granderson G. Goodwin, praying a divorce from his wife.

3. Also, the petition of Thomas M. Wooldridge, praying for the passage of a law authorizing him to convey to E. Bacon, the right and title of his wife, (who is of unsound mind,) to seventy eight acres of land.

4. Mr. M. Williams presented the petition of Brice Patrick and Rebecca, his wife, praying to be divorced from each other.

Which petitions were received and referred: the 1st to the committee on Finance; the 2d and 4th to the committee on Religion; and the 3d to the committee on the Judiciary.

Mr. Jesup, from a select committee appointed for that purpose, reported a bill to amend the law establishing the town of Elkton, and for other purposes—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

On the motion of Mr. Pirtle,

Resolved, That a committee of thirteen members be appointed, to whom shall be referred so much of the Governor's message as relates to the Congressional Districts of this State.

Whereupon Messrs. Pirtle, James, Loving, Griffith, Sterett, Garth, Hanson, McAfee, Slaughter, Rodes, J. S. Morgan, Daniel Morgan and Wallace were appointed a committee pursuant to said resolution.

On the motion of Mr. Garth, leave was given to bring in a bill to lay off the State of Kentucky in Congressional Districts, and the above committee of thirteen were directed to prepare and bring in the same.

On the motion of Mr. J. S. Morgan,

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of prohibiting, by law, debtors from making mortgages or deeds of trust, preferring one or more creditors to the exclusion of other creditors, and that they report by bill or otherwise.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. James—1. A bill to allow to Hickman county one additional Constable in addition to the number now allowed by law.

On the motion of Mr. Hardin—2. A bill to allow an additional Justice of the Peace to Adair county.

On the motion of Mr. Loving—3. A bill to amend and reduce into one the several acts concerning the town of Bowlinggreen.

On the motion of Mr. Griffith—4. A bill to add an additional week to each term of the Hopkins Circuit Court.

On the motion of Mr. J. S. Morgan—5. A bill to amend an act, entitled, an act to amend the law which provides for condemning lands for public purposes.

On the motion of Mr. Jesup—6. A bill to regulate and reduce the tolls on the public roads in this Commonwealth, and for other purposes.

On the motion of Mr. Dyer—7. A bill to regulate certain districts of the Circuit Courts.

Messrs. James, Young and Walker were appointed a committee to pre-

pare and bring in the 1st; Messrs. Griffith, McElroy and Dyer the 4th; Messrs. Dyer, Griffith, Boyd, McElroy and James the 7th; the committee on Propositions and Grievances were directed to prepare and bring in the 2d; the committee on the Judiciary the 3d; and the committee on Internal Improvement the 5th and 6th.

And then the Senate adjourned.

WEDNESDAY, JANUARY 4, 1843.

Mr. James N. Hughes, a member of the Senate from the sixteenth Senatorial District; Mr. Mark E. Huston, a member of the Senate from the thirtieth District; Mr. Thomas Y. Payne, a member of the Senate from the thirty sixth District; and Mr. Samuel Hanson, a member of the Senate from the thirty eighth District, appeared and took their seats.

The Speaker laid before the Senate the annual report of the Kentucky and Louisville Mutual Insurance Company, which is as follows, to-wit:

At a meeting of the President and Directors of the "Kentucky and Louisville Mutual Insurance Company," at their office in the city of Louisville, on Tuesday the 6th of December, 1842, "the President of the Company submitted to the Board a statement of the condition, progress and affairs of this Company, which, after being read, examined and approved, was adopted; and the President is directed to furnish a copy of the same to the General Assembly, agreeably to the requisition of the 22d section of the charter of this Company."

OFFICE OF THE KY. AND LOUISVILLE MUTUAL INSURANCE CO. }
Louisville, 12th December, 1842. }

SIR:

In accordance with the 22d section of the charter of this Company, and the order of the Board of Directors, I herewith enclose to you a statement of the condition and progress of its business from its commencement up to, and including the 3d instant, and request that you will lay the same before the body over which you preside.

I have the honor to be,
Very respectfully, &c.,
JAMES MARSHALL, Pres't.

*The Hon. the President of the Senate
of the State of Kentucky.*

Report of the condition, progress and affairs of the Kentucky and Louisville Mutual Insurance Company, up to the 3d of December, 1842, inclusive, viz :

Amount insured, 281 policies,	-	-	\$941,915 00
Amount premium notes,	-	-	\$48,512 00 $\frac{1}{2}$
Deduct amount of premium notes discharged by transfer of property and otherwise,	-	3,055 00	
			\$45,457 00 $\frac{1}{2}$
Amount received on premium notes,	-	\$9,056 71 $\frac{1}{2}$	
Amount received for 281 polices,	-	281 00	
			\$9,337 71 $\frac{1}{2}$
Paid this amount expense account,	-	\$5,740 53 $\frac{1}{4}$	
Paid this amount for losses,	-	2,811 23	
Cash, balance,	-	785 94 $\frac{3}{4}$	
			\$9,337 71 $\frac{1}{2}$

BALANCES.

DEBITS.

To bills receivable,	-	-	\$36,426 29 $\frac{1}{4}$
To cash,	-	-	785 94 $\frac{3}{4}$
To expense account,	-	-	5,740 53 $\frac{1}{4}$
To profit and loss account,	-	-	2,811 23
			\$45,764 00 $\frac{1}{2}$

CREDITS.

By premium account,	-	-	\$45,457 00 $\frac{1}{2}$
By extra premium account,	-	-	26 00
By policy account,	-	-	281 00
			\$45,764 00 $\frac{1}{2}$

1. Mr. Pirtle presented the petition of A. F. Piquet, the Agent for the heirs and creditors of the late James Swan, praying a remission of the taxes due to the Commonwealth of Kentucky upon certain tracts of land, owned by the said Swan.

2. Also, the petition of James L. Prather, and others, praying for the passage of a law authorizing the substituting, in lieu of property conveyed in trust, a certain house and lot in Louisville, to pay certain debts.

3. Also, the petition of Darius North and John G. Bassett, praying relief for the loss of a State bond.

4. Mr. Newell presented the petition of sundry citizens of Harrison county, praying for the enlargement of a Constable's district.

5. Mr. Sterett presented the petition of sundry citizens of Breckinridge county, praying for the establishment of an election precinct in said county.

6. Mr. Bailey presented the petition of the heirs of Richard and Lydia Pitman, (some of whom are under twenty one years of age,) praying for the passage of a law authorizing the sale of a tract of land, and certain slaves.

Which petitions were received and referred: the 1st and 3d to the committee on Finance; the 2d and 6th to the committee on the Judiciary; the 4th to the committee of Propositions and Grievances; and the 5th to the committee of Privileges and Elections.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill to amend the law establishing the town of Elkton, reported the same with amendments, which were concurred in, and the said bill was ordered to be engrossed and read a third time.

Mr. Pirtle, from the same committee, reported a bill to amend and reduce into one the several acts concerning the town of Bowlinggreen, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being amended and engrossed,

Resolved, That the said bill do pass, and that the title be amended by adding thereto, "and to change the time for the election of Trustees of the town of Burksville."

Mr. McAfee read and laid on the table the following joint resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That until otherwise ordered, the Speaker of each House shall, at the hour of two o'clock, P. M. each day, leave the Chair, and take a recess until three o'clock, P. M., unless it shall be the pleasure of either House to adjourn at an earlier hour.

Mr. Rodes moved the following resolutions, which were adopted, viz:

1. *Resolved*, That marriage is a civil contract as well as a sacred religious institution, and by its terms and conditions, is to continue until the death of one of the parties; but if from any cause it should be the desire of one or both the parties aforesaid to dissolve the contract, the decision of the question of such dissolution ought to belong, properly, to the Judicial Department of the government.

2. *Resolved*, That the committee on Religion be, and they are hereby, instructed to examine the laws which give to the courts of this Commonwealth the power of granting divorces in certain cases, and if on such examination, they are of opinion that those laws require amendment in order to give the courts jurisdiction in all just and reasonable applications for the same, then to report by bill.

3. Resolved, That the committee on Religion be, and they are hereby, instructed to report against all petitions for divorces, where a remedy is already provided by law.

Mr. Alexander moved the following resolution, viz:

Resolved further, That the committee on Religion withhold any report on divorce cases until the first day of February, at which time a general report may be made on that subject.

The question being taken on the adoption of the said resolution, it was decided in the affirmative. The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Roads, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Loving,	Wallace,
Dyer,	Morgan, D.	Walker,
Griffith,	Morgan, J. S.	Williams, S. L.
Hardin,	Pirtle,	Woodson,
James,	Rodes,	Young—16.
Johnson,		

Those who voted in the negative, were—

Messrs. Bailey,	Garth,	McElroy,
Bennett,	Hanson,	Newell,
Boyd,	Hughes,	Slaughter,
Chenault,	Jesup,	Sterett,
Conner,	McAfee,	Williams, M.—16.
Drake,		

The Speaker laid before the Senate the annual report of the First Auditor of Public Accounts, which is as follows, viz:

AUDITOR'S OFFICE,
January 4th, 1843. }

SIR:

Please lay before the House over which you have the honor to preside, my annual report for the fiscal year of 1842, and oblige your most respectful and obedient servant,

BEN. SELBY, Auditor.

Hon. MANLIUS V. THOMSON,
Speaker of the Senate.

[*For the report—see Legislative Documents.*]

Ordered, That the said report be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the annual report of the Treasurer, which is as follows, viz:

STATE OF KENTUCKY,
Treasury Office, January 4, 1843. }

SIR:

Accompanying this note is my annual report, showing the condition of the Treasury the fiscal year ending the 10th day of October, 1842; also, balance sheets showing its condition up to the 31st ult., which report you will please lay before the honorable body over which you preside.

I am, very respectfully, your ob't serv't,

JAMES DAVIDSON, *Treasurer.*

Hon. M. V. THOMSON,

Lieutenant Governor and Speaker of the Senate.

[*For the report—see Legislative Documents.*]

Ordered, That the said report be referred to the committee of Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate a report of the President of the Board of Internal Improvement, containing the award of A. Livermore and Jacob Yost, in favor of Leander and John Mitchell, for damages done to their water grist mill on Big Barren river.

Ordered, That the said report be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the annual report of the Keeper of the Penitentiary, which is as follows, viz:

OFFICE KENTUCKY PENITENTIARY,
Frankfort January 3, 1843. }

SIR:

In obedience to the requisition of the "act prescribing the duties of the Keeper and Clerk of the Penitentiary," approved February 14, 1839, I here-with submit my annual report, showing the condition of this Institution on the 30th of November, 1842, which you will please lay before the Senate.

I have the honor to be,

Very respectfully, your ob't serv't,

THOS. S. THEOBALD,

Keeper of the Penitentiary.

M. V. THOMSON, Esq.

Speaker of the Senate.

[*For the report—see Legislative Documents.*]

Ordered, That the said report be referred to the committee on the Penitentiary, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

On the motion of Mr. Young,

1. *Resolved*, That so much of the Governor's message as relates to the Sinking Fund, be referred to the committee on the Sinking Fund.

2. That so much of the message as relates to fines for misdemeanors, be referred to the committee on the Judiciary.

3. That so much as relates to the Second Auditor's office, be referred to the committee on the Judiciary.

4. That so much as relates to the system of Common Schools, be referred to the committee on Education.

5. That so much as relates to the system of Internal Improvement, be referred to the committee on Internal Improvement.

Two messages, in writing, were received from the Governor by Mr. Harlan, Secretary of State.

On the motion of Mr. Rodes,

Resolved, That the Auditor of Public Accounts be required to report to the Senate, the amount paid the last year to the Commissioners of tax for their services, and the amount due and unpaid, if any; and the amount thus paid or due to the Commissioners of each county, respectively, and what is the difference in the cost of the assessment in 1841 and 1842.

Resolved, That the committee on Finance be instructed to ascertain, as far as practicable, whether the compensation now allowed by law to the Commissioners, is sufficient to insure a full and faithful assessment of the property to be listed for taxation, and report by bill or otherwise.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Pirtle—1. A bill to prescribe the mode of administering oaths to witnesses and deponents.

On the motion of Mr. M. Williams—2. A bill for the benefit of the citizens of Fleming, Bath and Morgan counties.

The committee on the Judiciary was directed to prepare and bring in the 1st, and the committee on Finance the 2d.

A resolution fixing a day for the election of a Senator in Congress, laid on the table by Mr. Young on the 2d inst. was taken up.

Mr. Young moved to amend the said resolution by striking out "Thursday next," the day fixed for the election, and inserting in lieu thereof, "Saturday next."

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and D. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander, Bailey, Bennett, Chenault,	Drake, Dyer, Griffith, Hanson,	Huston, Jesup, Loving, Morgan, D.
--	---	--

Morgan, J. S.	Slaughter,	Williams, S. L.
Payne,	Sterett,	Woodson,
Pirtle,	Walker,	Young—22.
Rodes,		

Those who voted in the negative, were—

Messrs. Boyd,	Hughes,	McElroy,
Conner,	James,	Newell,
Garth,	Johnson,	Wallace,
Hardin,	McAfee,	Williams, M.—12.

The said resolution was then adopted.

And then the Senate adjourned.

THURSDAY, JANUARY 5, 1843.

Mr. Robert C. Palmer, a member of the Senate from the nineteenth Senatorial District, appeared and took his seat.

1. Mr. James presented the petition of John Thompson, praying for the passage of a law authorizing the Register of the Land Office to issue a grant to the said Thompson, without prejudice to any prior claim, for a tract of land purchased by him of Samuel Hancock.

2. Mr. Walker presented the petition of Samuel Grinter and P. N. Grinter, praying for the passage of a law allowing them remuneration for expenses incurred by them in travelling with a lunatic to the Asylum, at Lexington.

3. Mr. Rodes presented the petition of the County Court of Fayette county, praying for the passage of a law to increase the compensation of the Commissioners of tax.

4. Mr. Payne presented the petition of Joseph Gilpin, praying for the passage of a law allowing him remuneration for expenses incurred in apprehending John Hart, a fugitive from justice.

5. Mr. Payne presented the petition of Debrah Chamberlain, praying for a divorce from her husband.

6. Mr. Drake presented the petition of Sundry citizens of the town of Shelbyville, praying for the dissolution of the Shelbyville Fire Company.

7. Mr. Sterett presented the petition of Ann Ogles, praying for a divorce from her husband.

Which petitions were received and referred: the 1st to the committee on the Judiciary; the 2d, 3d and 4th to the committee on Finance; the 5th and 7th to the committee on Religion; and the 6th to the committee on Propositions and Grievances.

A message, received from the Governor on yesterday, was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons to be civil officers, for the offices attached to their names, they having been commissioned since the adjournment of the last Legislature, to-wit:

Joseph R. Ryon to be Sheriff of Clinton county, in place of George C. Craft, deceased.

Solomon C. Stratton to be Sheriff of Floyd county, in place of Stephen Hamilton, deceased.

Jarvis Jackson to be Sheriff of Laurel county, in place of Benj. Catching, resigned.

William Henry to be Sheriff of Morgan county, in place of Joseph H. Haund, who failed to give bond as required by law.

William Spurlock to be Sheriff of Breathitt county, in place of Claiborne Crawford, resigned.

Randall Walker to be Sheriff of Anderson county, in place of Reuben Boston, deceased.

Isaiah Heston to be Sheriff of Breckinridge county, in place of Henry H. King, resigned.

Joseph M. Potts to be Sheriff of Daviess county, in place of Joseph M. Potts, resigned.

Morton M. Price to be Sheriff of Estill county, in place of Joseph Scrivner, resigned.

James R. Sloan to be Sheriff of Fayette county, in place of Matthews Flournoy, deceased.

James C. Calhoun to be Sheriff of McCracken county, in place of James Ashley, who resides in the new county of Ballard.

Edgar H. Haycraft to be Notary Public in Hardin county, in place of Stephen W. D. Stone, resigned.

J. I. Dozier to be Notary Public in the county of Jefferson.

John T. Sanders to be Notary Public in the county of Jefferson.

Richard L. Mayes to be Attorney for the Commonwealth in the 16th District, in place of George W. Barbour, resigned.

George W. Brush to be Superintendent of Public Instruction, in place of Robert Davidson, resigned.

Stephen Chipley to be Trustee of Transylvania University, in place of Francis K. Hunt, resigned.

Daniel S. Slaughter to be Police Judge in the town of Bardstown, in place of Greenberry R. Gaither, resigned.

George Smedley to be Police Judge of the town of Paducah, in place of Thomas S. Harlow, resigned.

R. P. LETCHER.

January 4th, 1843.

Resolved, That the Senate advise and consent to the said appointments.

A message, received from the Governor on yesterday, was taken up and read as follows, viz :

*Gentlemen of the Senate,
and House of Representatives:*

In compliance with a request of the General Assembly of the State of Illinois, made through the Executive of that State, I transmit to the General Assembly, copies of resolutions adopted by the Legislature of Illinois, instructing the Senators and requesting their Representatives in Congress, to vote for the passage of a law to refund to General Andrew Jackson, the amount of a fine imposed on him by the Judge of the District Court of the United States for the district of Louisiana, for an alleged contempt of that court.

R. P. LETCHER.

January 4, 1843.

STATE OF ILLINOIS.

EXECUTIVE DEPARTMENT,
Springfield Illinois, Dec. 15, 1842. }

SIR:

In obedience to a resolution of the General Assembly of this State, I have the honor to forward you the accompanying resolutions, with a request that you lay the same before the Legislature of your State.

I have the honor to be,

Your obedient servant,

THOMAS FORD,
Governor of Illinois.

His EXCELLENCY,

the Governor of the State of Kentucky.

STATE OF ILLINOIS.

WHEREAS, the conduct of General ANDREW JACKSON, in the defence of New Orleans during the campaign of 1814 '15, has, on various occasions, received the approbation of the American public; and whereas Congress on the 15th day of February, 1815, by a vote of thanks, and by directing a gold medal to be struck and presented to him, as an evidence of their estimation of his patriotism, bravery and good conduct, sanctioned and approved his course in the aforesaid campaign: and whereas, the fine imposed upon him by Judge Hall, for an alledged contempt of the authority of the said Judge, is not only an unjust imputation upon the character of General Jackson, but a reflection upon the justice and gratitude of the nation—therefore,

Resolved by the House of Representatives, the Senate concurring herein, That our Senators in Congress be instructed, and our Representatives earnestly requested, to use their exertions to procure the passage of a law directing that the fine of one thousand dollars, imposed by Dominick A. Hall, then District Judge of the United States for the district of Louisiana, for an alledged contempt of his authority, upon General Andrew Jackson, and by the said Andrew Jackson paid into the hands of the Marshal of the said district, be refunded, together with the costs and interest on the same from the day of the payment thereof.

Resolved also, That the Governor be requested to transmit a copy of this preamble and resolutions to General Andrew Jackson, and one to each of our Senators and Representatives in Congress, and also one to each of the Governors of the several States of this Union, with a request that the subject of the same be laid before their respective Legislatures.

SAM'L. HACKELTON,
Speaker of the House of Representatives.
JOHN MOORE,
Speaker of the Senate.

Ordered, That the said message be referred to the committee on Federal Relations.

On the motion of Mr. Rodes, the vote was reconsidered, adopting the resolution, moved by Mr. Alexander on yesterday, directing the committee on Religion not to report any application for a divorce until the 1st day of February next. The question was again taken on the adoption of the said resolution, and it was decided in the negative, and so the said resolution was rejected.

On the motion of Mr. J. S. Morgan,

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of so amending the execution laws, as to prohibit the sale of personal property, sold under execution, unless it sells for two thirds of its value, and that said committee report by bill or otherwise.

An engrossed bill, entitled, an act to amend the law establishing the town of Elkton, and for other purposes, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The joint resolution, read and laid on the table by Mr. McAfee on yesterday, was taken up and amended to read as follows, and adopted, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That until otherwise ordered, each House shall, at the hour of two o'clock, P. M. each day, take a recess until three o'clock, P. M., unless it shall be the pleasure of either House to adjourn at an earlier hour.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the benefit of the Trustees of the Simpson Seminary.

Mr. Pirtle, from the committee on the Judiciary, reported a bill to prescribe the mode of administering oaths to witnesses and deponents, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was ordered to be engrossed and read a third time.

The Speaker laid before the Senate the following report from the Secretary of State, to-wit:

OFFICE OF THE SECRETARY OF STATE, }
January 5, 1843. }

SIR:

Pursuant to the act of the 18th of February, 1841, entitled "an act prescribing the mode of preserving the evidence of the payment of interest on certain State bonds," I have the honor to transmit to the Senate, herewith, a statement showing the amount of interest paid on six year bonds, from the 1st of January, 1842, to the 31st of December, 1842, inclusive.

I have the honor to be,

Very respectfully, your ob't serv't,

JAMES HARLAN,
Secretary of State.

Hon. MANLIUS V. THOMSON,
Speaker of the Senate.

*Auditor's monthly reports of warrants issued for interest due and payable
on Internal Improvement one hundred dollars six per cent. six year bonds,
for the year 1842, to-wit:*

For January,	-	-	-	-	-	\$ 1,931	34
For February,	-	-	-	-	-	473	66
For March,	-	-	-	-	-	76	59
For April,	-	-	-	-	-	11,257	76
For May,	-	-	-	-	-	1,475	61
For June,	-	-	-	-	-	1,392	46
For July,	-	-	-	-	-	1,508	21
For August,	-	-	-	-	-	1,161	14
For September,	-	-	-	-	-	23	00
For October,	-	-	-	-	-	11,742	13
For November,	-	-	-	-	-	1,579	64
For December,	-	-	-	-	-	1,207	08
						\$33,828	62

J. HARLAN,
Secretary of State.

Ordered, That said report be referred to the committee on the Sinking Fund.

On the motion of Mr. J. S. Morgan,

Resolved, That the committee on the Judiciary be instructed to enquire into the policy of giving longer time to redeem lands sold under execution, and that said committee further enquire into the propriety of extending the right of redemption to lands sold under decrees of courts on mortgages, &c., and that said committee report by bill or otherwise.

Mr. James, from a select committee, reported a bill to allow to Hickman county one additional Constable, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Walker—1. A bill to change the name of John Hampton to John Hampton Rhea.

On the motion of Mr. Newell—2. A bill for the benefit of the Sheriff of Harrison county.

On the motion of Mr. Griffith—3. A bill compensating Dr. Thomas J. Johnson, for medical services rendered John Taylor, a criminal confined in the Henderson jail.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st, and the committee on Finance the 2d and 3d.

And then the Senate adjourned.

FRIDAY, JANUARY 6, 1843.

1. Mr. Boyd presented the petition of Samuel Driskell, of Marshall county, praying for the passage of a law allowing him the privilege of laying off a town on his tract of land.

2. Mr. Jesup presented the petition of Nancy W. Smith, praying for a divorce from her husband, William Smith.

3. Mr. McAfee presented the petition of Elizabeth Mitchell, praying for a divorce from her husband.

4. Mr. Conner presented the petition of sundry citizens of Carter county, praying for the passage of a law discontinuing a turnpike gate on the Owingsville and Big Sandy turnpike road, kept by William Everman.

5. Mr. Conner presented the petition of Nancy Skeans, praying for a divorce from her husband.

Which petitions were received and referred: the 1st to the committee on Propositions and Grievances; the 2d, 3d and 5th to the committee on Religion; and the 4th to the committee on Internal Improvement.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition of John Thompson, to them referred, and leave was given to withdraw said petition.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred the petition of the heirs of Richard and Lydia Pitman, reported the following resolution thereon, to-wit:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Pirtle, from the same committee, reported a bill to establish the office of Second Auditor, which was read the first time and ordered to be read a second time.

Mr. James, from the committee on Finance, reported a bill for the benefit of Thomas I. Johnson, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McAfee, from a select committee, reported a bill to regulate the terms of the Circuit Courts in this Commonwealth, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

On the motion of Mr. Pirtle,

Resolved, That the Secretary of State be requested to prepare, for the use of the Senate, a tabular statement, showing, in separate columns, the aggregate population and the federal representative population of each county in this Commonwealth, according to the Constitution of the United States, and the late act of Congress apportioning the representation among the several States of the Union.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Jesup—1. A bill to amend the law granting compensation to the Judges, members of the Legislature, and all other officers in this Commonwealth, and for other purposes.

On the motion of Mr. Bennett—2. A bill to reduce the toll on the Lexington and Covington turnpike road.

On the motion of Mr. Loving—3. A bill the better to protect the rights of Landlords.

On the motion of Mr. Hardin—4. A bill to change the name of William M. Jesse to the name of William M. Taylor.

The committee on the Judiciary was directed to prepare and bring in the 1st and 3d; the committee on Internal Improvement the 2d; and the committee on Propositions and Grievances the 4th.

An engrossed bill, entitled, an act to prescribe the mode of administering oaths to witnesses and deponents, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of the Trustees of the Simpson Seminary, was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution from the Senate, fixing a day for the election of a Senator in Congress.

That they had passed bills of the following titles, to-wit:

1. An act to give the holders of Kentucky land warrants further time to have surveys made, and to return plats and certificates to the Register's office.

2. An act to change the names of Drewry Davis Murray, William Goose and Sarah Ann Harris.

3. An act for the benefit of the Sheriff of Clinton county.

4. An act for the benefit of Archibald H. and Eliza Cooper.

5. An act to provide for running and re-marking the division line between the counties of Campbell and Pendleton.

6. An act to establish an additional election precinct in the county of Campbell.

7. An act to amend the several acts to prohibit the practice of duelling.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred: the 1st, 4th and 7th to the committee on the Judiciary; the 2d and 5th to the committee on Propositions and Grievances; the 3d to the committee on Finance; and the 6th to the committee on Privileges and Elections.

On the motion of Mr. Woodson,

Resolved, That so much of the Governor's message as refers to the navigation of the Mississippi and Ohio rivers, be referred to the committee on Federal Relations.

Mr. Pirtle, from a select committee, reported a bill to suppress usury and extortion, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined an enrolled resolution, fixing a day for the election of a Senator in Congress, which originated in the Senate, and had found the same truly enrolled.

The Speaker of the House of Representatives having signed the said resolution, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

And then the Senate adjourned.

SATURDAY, JANUARY 7, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act to sell a runaway slave.
2. An act to charter the "Adas Israel," (community of Israel,) in the city of Louisville.
3. An act for the benefit of James H. Winston.
4. An act for the benefit of Robert Blackwell.
5. An act to attach part of Clay to Perry county.
6. An act to change the venue in the case of James McLaughlin of the city of Louisville, charged with murder.
7. An act to legalize the location of the county seat of Ballard county.
8. An act allowing an additional Constable in Henry county.

9. An act to change the place of holding the Straight creek election precinct in Harlan county, and for other purposes.

10. An act to allow an additional Justice of the Peace to the county of Crittenden, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 2d, 4th and 6th to the committee on the Judiciary; the 3d to the committee on Finance; the 5th, 7th, 8th and 10th to the committee on Propositions and Grievances; and the 9th to the committee on Privileges and Elections.

The Speaker laid before the Senate the following communication from the Auditor of Public Accounts, to-wit:

STATE OF KENTUCKY,

REVENUE DEPARTMENT,
Auditor's Office, Frankfort, Jan. 6, 1843. }

SIR:

In compliance with a resolution of the Senate of the 4th instant, I submit a statement in relation to the claims on the Treasury by the Commissioners of Tax in this Commonwealth, for the years 1841 and 1842, taken from the reports of the several Clerks to this Department.

I am, sir, very respectfully,
THOS. S. PAGE, Second Auditor.

Hon. M. V. THOMSON,

Lieutenant Governor and Speaker of the Senate.

A Statement of the claims on the Treasury by the Commissioners of Tax in this Commonwealth, for the years 1841 and 1842, taken from the reports of the several Clerks to this Department, to-wit:

COUNTIES.	Allowance for 1841.	Allowance for 1842.	Increase.	Decrease.
Allen, -	\$141 00	\$102 56	-	\$38 44
Adair, -	180 00	117 84	-	62 16
Anderson, -	91 50	81 92	-	9 58
Bullitt, -	185 00	101 92	-	83 08
Boone, -	211 50	168 56	-	42 94
Barren, -	268 50	225 12	-	43 38
Butler, -	103 50	60 75	-	42 75
Bourbon, -	301 50	158 72	-	142 78
Bracken, -	138 00	112 64	-	25 36
Boyle,* -	-	97 52	-	
Breckinridge, -	237 75	137 28	-	100 47
Bath, -	267 00	140 08	-	126 92
Breathitt, -	70 50	60 00	-	10 59
Campbell, -	90 00	86 02	-	3 98

Statement—Continued.

COUNTIES.	Allowance for 1841.	Allowance. for 1842.	Increase.	Decrease.
Cumberland,	\$132 00	No report.		
Casey,	110 00	\$ 71 36	-	\$ 38 64
Carter,	75 75	54 00	-	21 75
Clarke,	238 50	141 12	-	97 38
Clay,	75 00	No report.		
Crittenden,*	-	65 68		
Christian,	319 50	200 24	-	119 26
Calloway,	121 50	152 80	\$31 30	
Carroll,	85 50	75 52	-	9 98
Clinton,	66 00	45 28	-	20 72
Caldwell,	226 00	140 32	-	85 68
Daviess,	163 00	124 88	-	38 12
Edmonson,	40 50	42 56	2 06	
Estill,	125 50	79 20	-	45 80
Floyd,	135 50	No report.		
Franklin,	200 00	121 04	-	78 96
Fleming,	232 50	190 88	-	41 62
Fayette,	528 00	253 28	-	274 72
Garrard,	174 00	127 76	-	46 24
Gallatin,	105 00	45 06	-	59 94
Grant,	99 00	69 36	-	29 64
Grenup,	126 00	72 88	-	53 12
Green,	280 00	178 56	-	101 44
Grayson,	156 00	72 80	-	83 20
Graves,	108 00	119 76	11 76	
Hart,	126 00	95 62	-	30 38
Hancock,	60 00	39 60	-	20 40
Harrison,	172 50	176 00	3 50	
Hopkins,	307 50	132 64	-	174 86
Hardin,	360 00	264 52	-	95 48
Henderson,	240 00	116 48	-	123 52
Harlan,	109 50	44 24	-	65 26
Henry,	250 50	155 36	-	95 14
Hickman,	273 00	147 93	-	125 07
Jessamine,	184 50	118 16	-	66 34
Jefferson,	451 50	342 88	-	108 62
Knox,	69 00	77 04	8 04	
Kenton,	106 50	143 28	36 78	
Lewis,	90 00	100 56	10 56	
Lincoln,	187 50	109 36	-	78 14
Logan,	175 00	159 44	-	15 56
Livingston,	178 50	71 20	-	107 30
Laurel,	102 00	55 92	-	46 08
Lawrence,	96 00	57 55	-	38 45
McCracken,	144 00	79 12	-	64 88
Montgomery,	239 50	113 68	-	125 82
Morgan,	94 50	No report.		
Mercer,	300 00	88 70	-	211 30
Meade,	153 00	157 00	4 00	
Muhlenburg,	160 50	109 60	-	50 90
Marion,	210 00	137 58	-	72 42
Madison,	450 00	189 68	-	260 32
Monroe,	120 00	90 00	-	30 00
Mason,	303 00	222 48	-	80 52
Nicholas,	225 00	123 86	-	101 14
Nelson,	291 00	101 44	-	189 56
Oldham,	138 00	89 38	-	48 62
Owen,	189 00	No report.		

Statement—Continued.

COUNTIES.	Allowance for 1841.	Allowance for 1842.	Increase.	Decrease.
Ohio,	\$101 00	\$82 56	-	\$ 18 44
Perry,	79 50	No report.		
Pendleton,	106 50	74 08	-	32 42
Pike,	66 00	44 91	-	21 09
Pulaski,	198 00	152 68	-	45 32
Rockcastle,	100 00	67 92	-	32 08
Russell,	154 00	71 12	-	82 88
Simpson,	129 00	104 26	-	24 74
Spencer,	136 50	77 82	-	58 68
Shelby,	405 00	216 08	-	188 92
Scott,	414 00	148 08	-	265 92
Trigg,	210 00	162 32	-	47 68
Todd,	252 00	133 44	-	118 56
Trimble,	105 50	69 20	-	36 30
Union,	250 00	90 52	-	159 48
Washington,	166 50	125 44	-	41 06
Wayne,	115 50	110 16	-	5 34
Warren,	156 00	126 79	-	29 21
Woodford,	181 50	62 88	-	118 62
Whitley,	81 00	62 08	-	18 92
Total,	\$16,172 50	\$9,987 91	\$108 00	\$5,750 29

*Formed, 1842.

Attest.

THO. S. PAGE, *Second Auditor.*

Ordered, That said communication be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Slaughter presented the petition of sundry citizens of Louisville, praying the abolition of the inspection of salt, or a reduction of the tariff on that article, which was received and referred to the committee on Agriculture.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to give the holders of Kentucky land warrants further time to have surveys made, and to return plats and certificates to the Register's office, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act for the benefit of Archibald H. and Eliza Cooper.

An act to amend the several acts to prohibit the practice of duelling.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, to-wit :

An act to change the names of Drewry Davis Murray, William Goose and Sarah Ann Harris.

An act to provide for running and re-marking the division line between the counties of Campbell and Pendleton.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, reported the following bills, viz:

A bill to enlarge John Sparkes' Constable district in the county of Harrison.

A bill to change the name of William M. Jesse to the name of William M. Taylor.

A bill allowing an additional Justice of the Peace to the county of Adair.

A bill to change the name of John Hampton to John Hampton Rhea.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State, which was read as follows, to-wit:

EXECUTIVE OFFICE,
January 7, 1843. }

Gentlemen of the Senate :

I nominate for your advice and consent, Thomas J. Holton, to be Sheriff of Pendleton county, in place of Thomas L. Garrard, who refused to accept.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointment.

A message was received from the Governor, announcing that he had approved and signed a joint resolution fixing a day for the election of a Senator in Congress, which originated in the Senate.

The Speaker laid before the Senate the following report from the Secretary of State, to-wit:

OFFICE OF THE SECRETARY OF STATE,
January 7th, 1843,

In obedience to a resolution of the Senate of the 6th inst., the Secretary of State has the honor to transmit, herewith, a tabular statement, showing the aggregate population, and federal representative population, of each county in Kentucky, according to the census taken by the authority of the General Government, in the year 1840. To which is added the number of free white males over 21 years of age, in each county, in 1842.

J. HARLAN,
Secretary of State.

To THE HON. M. V. THOMSON,
Speaker of the Senate.

A Statement showing the aggregate population, and the Federal Representative population, of each county in Kentucky, prepared by the Secretary of State, in obedience to a resolution of the Senate of the 6th of January, 1843, together with the number of voters in each county in 1842.

COUNTIES.	Free population which includes colored persons.	Slaves.	Total population of all kinds.	Federal representative population.	No. of voters in 1842.
Adair, -	6,861	1,605	8,466	7,824	1,294
Allen, -	6,394	935	7,329	6,956	1,151
Anderson, -	4,393	1,039	5,452	5,029	853
Barren, -	13,223	4,065	17,288	15,662	2,516
Bath, -	7,812	1,951	9,763	8,983	1,524
Boone, -	7,851	2,183	10,034	9,161	1,739
Bourbon, -	8,153	6,325	14,478	11,948	1,631
Bracken, -	6,234	819	7,053	6,725	1,211
Butler, -	3,383	515	3,898	3,692	652
Breathitt, -	2,076	119	2,195	2,147	398
Breckinridge, -	7,253	1,691	8,944	8,268	1,549
Bullitt, -	5,014	1,320	6,334	5,806	1,149
Caldwell, -	8,194	2,175	10,365	9,497	1,567
Calloway, -	8,833	911	9,794	9,430	1,700
Campbell, -	4,925	289	5,214	5,098	1,201

Statement—Continued.

COUNTIES.	Free population which includes colored persons.	Slaves.	Total population of all kinds.	Federal representative population.	No. of voters in 1842.
Carroll,	3,235	731	3,966	3,673	822
Casey,	4,408	531	4,939	4,727	821
Christian,	9,590	5,997	15,587	13,188	1,999
Carter,	2,719	186	2,905	2,831	660
Clarke,	6,900	3,902	10,802	9,241	1,447
Clay,	4,107	500	4,607	4,407	747
Clinton,	3,675	188	3,863	3,788	617
Cumberland,	4,605	1,485	6,090	5,496	824
Daviess,	6,371	1,960	8,331	7,547	1,413
Estill,	4,977	558	5,535	5,312	886
Edmonson,	2,580	334	2,914	2,780	547
Fayette,	11,484	10,710	22,194	17,910	2,000
Fleming,	11,276	1,992	13,268	12,471	2,166
Floyd,	6,118	184	6,302	6,228	953
Franklin,	6,571	2,849	9,420	8,280	1,316
Gallatin,	3,399	604	4,003	3,761	620
Garrard,	7,199	3,281	10,480	9,168	1,362
Grant,	3,844	348	4,192	4,053	821
Graves,	6,648	817	7,465	7,138	1,295
Grayson,	4,262	199	4,461	4,381	856
Green,	10,382	3,830	14,212	12,680	2,007
Greenup,	5,543	754	6,297	5,995	910
Hancock,	2,042	539	2,581	2,365	459
Hardin,	13,875	2,482	16,357	15,364	2,970
Harlan,	2,936	79	3,015	2,984	524
Harrison,	9,088	3,384	12,472	11,119	1,870
Hart,	6,025	1,006	7,031	6,629	1,076
Henderson,	6,229	3,319	9,548	8,220	1,315
Henry,	7,666	2,349	10,015	9,075	1,692
Hickman,	7,353	1,615	8,968	8,322	1,449
Hopkins,	7,448	1,723	9,171	8,482	1,508
Jefferson,	27,750	8,596	36,346	32,908	1,939
Jessamine,	5,924	3,472	9,396	8,007	1,195
Kenton,	7,065	751	7,816	7,516	1,488
Knox,	5,186	536	5,722	5,507	896
Laurel,	2,970	109	3,079	3,035	640
Lawrence,	4,653	77	4,730	4,699	803
Lewis,	5,900	406	6,306	6,144	1,144
Lincoln,	6,737	3,450	10,187	8,807	1,193
Livingston,	7,437	1,588	9,025	8,390	773
Logan,	8,789	4,826	13,615	11,684	1,735
Madison,	10,942	5,413	16,355	14,190	2,193
Marion,	8,420	2,612	11,032	9,987	1,537
Mason,	11,410	4,309	15,719	13,995	2,480
McCracken,	4,091	654	4,745	4,484	819
Meade,	4,371	1,409	5,780	5,217	841
Mercer,	13,434	5,286	18,720	16,606	1,684
Monroe,	5,823	703	6,526	6,245	990
Montgomery,	7,597	1,735	9,332	8,258	1,233
Morgan,	4,542	61	4,603	4,579	819
Muhlenburg,	5,768	1,196	6,964	6,486	1,204
Nelson,	8,994	4,643	13,637	11,780	1,793
Nicholas,	7,492	1,253	8,745	8,244	1,493
Ohio,	5,769	823	6,592	6,263	1,149
Oldham,	5,003	2,377	7,380	6,429	968
Owen;	6,951	1,281	8,232	7,720	1,395
Pendleton,	4,018	437	4,445	4,280	841

Statement—Continued.

COUNTIES.	Free population which includes colored persons.	Slaves.	Total population of all kinds.	Federal representative population.	No. of voters in 1842.
Perry, - - -	2,946	143	3,089	3,032	514
Pike, - - -	3,482	85	3,567	3,533	591
Pulaski, - - -	8,601	1,019	9,620	9,212	1,734
Rockcastle, - - -	3,032	377	3,409	3,258	764
Russell, - - -	3,832	406	4,238	4,076	726
Scott, - - -	8,329	5,339	13,668	11,532	1,585
Shelby, - - -	11,413	6,355	17,768	15,226	2,243
Simpson, - - -	5,044	1,493	6,537	5,940	911
Spencer, - - -	4,670	1,911	6,581	5,816	936
Todd, - - -	6,112	3,879	9,991	8,440	1,215
Trigg, - - -	5,664	2,052	7,716	6,895	1,162
Trimble, - - -	3,807	673	4,480	4,211	789
Union, - - -	4,945	1,728	6,673	5,982	1,083
Warren, - - -	11,239	4,207	15,446	13,763	1,776
Washington, - - -	7,938	2,658	10,596	9,533	1,385
Wayne, - - -	6,769	630	7,399	7,147	1,194
Whitley, - - -	4,527	146	4,673	4,615	671
Woodford, - - -	5,988	5,752	11,740	9,439	1,183
	597,570	182,258	779,828	706,930	113,561
Aggregate Federal population,	- - - - -	- - - - -	- - - - -	- - - - -	706,930
Divided into 10 districts, makes for each district,	- - - - -	- - - - -	- - - - -	- - - - -	70,693
FREE WHITE PERSONS.					
Males, - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	305,323
Females, - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	284,930
Total free white persons,	- - - - -	- - - - -	- - - - -	- - - - -	590,253
FREE COLORED PERSONS.					
Males, - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	3,761
Females, - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	3,556
Total free colored persons,	- - - - -	- - - - -	- - - - -	- - - - -	7,317
SLAVES.					
Males, - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	91,004
Females, - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	91,254
Total number of slaves,	- - - - -	- - - - -	- - - - -	- - - - -	182,258
Total aggregate,	- - - - -	- - - - -	- - - - -	- - - - -	779,828

Five new counties have been created since the taking of the census, viz: Boyle, Crittenden, Ballard, Marshall and Letcher, the population of which are not included in the foregoing table.
Office of the Secretary of State, January 7th, 1843.

J. HARLAN,
Secretary of State.

Ordered, That the said report be referred to the committee on Congressional Districts, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

JAN. 7.]

JOURNAL OF THE SENATE.

47

Mr. Rodes, from the committee on Religion, to whom was referred the petition of Nancy Skeans praying for a divorce, reported the following resolution thereon, to-wit:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Clinton county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. James,

Resolved, That the committee on the Judiciary enquire into the expediency and propriety of purchasing, for the use of the State, a suitable number of copies of Preston S. Loughborough's Digest of the Statute Laws of Kentucky.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Pirtle—1. A bill to punish cheats and fraudulent personations of others.

On the motion of Mr. Griffith—2. A bill authorizing the Second Auditor to sell certain non-residents' lands, that may be forfeited to the Commonwealth for the non-payment of taxes, interest and costs due thereon.

The committee on the Judiciary was directed to prepare and bring in the 1st, and Messrs. Griffith, Slaughter and Woodson were appointed a committee to prepare and bring in the 2d.

A Message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

I transmit, herewith, a letter addressed to me by John A. Moore, Esq. resigning his seat as a member of the Senate.

January 7, 1843.

R. P. LETCHER.

Mt. VERNON, JAN. 3, 1843.

Dear Sir—You will receive, herein, my resignation as Senator elect from the 24th Senatorial District of Kentucky. My resignation is impelled by continued and increasing ill health.

Respectfully,

J. A. MOORE.

His EXCELLENCY, Gov. Letcher.

A message was received from the House of Representatives, announcing that they were now ready to proceed to the election of a Senator in Congress.

Ordered, That a message be sent to the House of Representatives to inform them that the Senate are ready to proceed to the said election, and that Messrs. Young, James and Dyer carry the said message.

Mr. Walker nominated Mr. John J. Crittenden as a proper person to fill the office of Senator in the Congress of the United States for this State, for six years from the 4th of March next.

Ordered, That Messrs. Rodes, Newell and J. S. Morgan inform the House of Representatives thereof.

A message was received from the House of Representatives by Mr. J. Murrell, announcing that Mr. John J. Crittenden stood in nomination for Senator before that body.

A message was received from the House of Representatives by Mr. Tibatts, announcing that Col. Richard M. Johnson was also in nomination for Senator.

The Senate then proceeded to vote for Senator, and the vote stood thus:

Those who voted for Mr. John J. Crittenden, were—

Messrs. Alexander,	Hardin,	Pirtle,
Bailey,	Huston,	Rodes,
Bennett.	Jesup,	Slaughter,
Chenault,	Loving,	Sterett,
Drake,	Morgan, D.	Walker,
Dyer,	Morgan, J. S.	Williams, S. L.
Griffith,	Palmer,	Woodson,
Hanson,	Payne,	Young—24.

Those who voted for Col. R. M. Johnson, were—

Messrs. Boyd,	James,	Newell,
Conner,	Johnson,	Wallace,
Garth,	McAfee,	Williams, M—11.
Hughes,	McElroy,	

Messrs. Dyer and Garth were appointed a committee, on the part of the Senate, to count the joint vote and report the result. After a short time Mr. Dyer reported that the joint vote stood thus:

For Mr. John J. Crittenden, - - - - 88

For Col. Richard M. Johnson - - - - 43

Mr. John J. Crittenden having received a majority of all the votes given, was declared to be duly elected Senator in the Congress of the United States for this State, for six years, from the fourth day of March next.

And then the Senate adjourned.

MONDAY, JANUARY 9, 1843.

The Speaker of the Senate being absent, Mr. Hanson was elected Speaker for the occasion.

The Speaker laid before the Senate the annual report of the Commissioners of the Lunatic Asylum.

[*For the report—see Legislative Documents.*]

1. Mr. Pirtle presented the remonstrance of sundry citizens of Louisville, against the passage of a law allowing James McLaughlin a change of venue.

2. Mr. Slaughter presented the petition of Mary Runner, praying for a divorce from her husband.

3. Mr. Slaughter presented the petition of Robert Runner, praying for a divorce from his wife.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d and 3d to the committee on Religion.

Ordered, That a writ of election issue to the twenty fourth Senatorial District, for the election of a member of the Senate for that District, in the place of John A. Moore, resigned; the election to be held on the 25th inst., and the two succeeding days.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, *to-wit*:

1. An act to sell a runaway slave.

2. An act to charter the "Adas Israel," (community of Israel,) of the city of Louisville.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Dyer, the vote by which the first bill was passed, was re-considered, and the said bill was re-committed to the committee on the Judiciary.

Mr. Pirtle, from the committee on the Judiciary, reported a bill to amend the law of Landlord and Tenant.

Also, a bill to punish cheats and false personations of others.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were ordered to be engrossed and read a third time.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, to-wit:

1. An act to legalize the location of the county seat of Ballard county.
2. An act allowing an additional Constable in Henry county.
3. An act to allow an additional Justice of the Peace to the county of Crittenden, and for other purposes.
4. An act to attach part of Clay to Perry county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the 2d, 3d and 4th bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred the petition of Samuel Driskell, reported the following resolution thereon, to-wit:

Resolved, That the said petition be rejected.

Which was concurred in.

And then the Senate adjourned.

TUESDAY, JANUARY 10, 1843.

The Speaker of the Senate was present and took the Chair.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act to amend the law concerning County Surveyors.
2. An act to incorporate the Workingmen's Association of Newport.
3. An act to establish an election precinct in the county of Morgan, and for other purposes.
4. An act to incorporate the Trustees of the United Baptist Church of Hopkinsville.
5. An act for the benefit of Jackson Shelton, and others.
6. An act for the benefit of the infant heirs of John W. Wooldridge, deceased.
7. An act for the benefit of William M. Coleman.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred: the 1st, 2d, 4th and 6th to the committee on the Judiciary; the 3d to the committee on Privileges and Elections; the 5th to the committee on Propositions and Grievances; and the 7th to the committee on Internal Improvement.

Mr. Bennett presented the petition of Mary Robinson, praying for a divorce from her husband, which was received and referred to the committee on Religion.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to change the venue in the case of James McLaughlin of the city of Louisville, charged with murder, reported the same with the opinion of the committee that it ought not to pass. The said bill was placed in the orders of the day.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE OFFICE,
January 10, 1843. }

Gentlemen of the Senate:

I nominate for your advice and consent, Hartwell A. Bailey to be Sheriff of Shelby county, in the place of George Bergen, resigned.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointment.

On the motion of Mr. Drake, a message was sent to the House of Representatives, asking leave to withdraw the report of the passage by the Senate of a bill from that House, entitled, an act allowing an additional Constable to Henry county.

The said bill being returned to the Senate, the vote by which it was passed was re-considered, and it was placed in the orders of the day.

Engrossed bills of the following titles, were severally read a third time, to-wit:

An act to amend the law of Landlord and Tenant.

An act to punish cheats and false personations of others.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill to suppress usury and extortion, was taken up and made the special order of the day for Thursday the 12th inst.

A bill to establish the office of Second Auditor was made the special order of the day for to-morrow.

A bill from the House of Representatives, entitled, an act to legalize the location of the county seat of Ballard county, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. J. S. Morgan—1. A bill to authorize Morrison Smith's committee to vest his moneys in lands.

On the motion of Mr. Hardin—2. A bill to regulate the salary of the Chancellor of the city of Louisville, and for other purposes.

On the motion of same—3. A bill to regulate the salary of the Judge of the 5th Judicial District.

On the motion of Mr. Woodson—4. A bill for the benefit of the holders of lots in the town of Midway, in Woodford county.

On the motion of Mr. Loving—5. A bill to amend the execution laws of this State.

The committee on the Judiciary was directed to prepare and bring in the 1st, 4th and 5th, and Messrs. Hardin, McElroy and James were appointed a committee to prepare and bring in the 2d and 3d.

On the motion of Mr. Rodes,

Ordered, That the annual report of the Commissioners of the Lunatic Asylum be referred to the committee on Finance, and that the Public Printer print 250 copies thereof for the use of the General Assembly.

On the motion of Mr. Pirtle,

Ordered, That Mr. Hardin be added to the committee on Congressional Districts.

And then the Senate adjourned.

WEDNESDAY, JANUARY 11, 1843.

1. Mr. McAfee presented the petition of Ann Vanarsdale, praying for a divorce from her husband.

2. Mr. McAfee presented the petition of Lucinda S. Smart, praying for a divorce from her husband.

3. Mr. M. Williams presented the petition of sundry citizens of the counties of Floyd, Morgan and Lawrence, praying for the passage of a law establishing a new county out of parts of said counties.

4. Mr. Pirtle presented the remonstrance of sundry citizens of the city of Louisville and county of Jefferson, against the repeal of the law establishing an Inspection of Salt in Louisville.

5. Mr. J. S. Morgan presented the petition of sundry citizens of Nicholas county, praying for the repeal of an act, entitled, an act to condemn land for public purposes.

6. Mr. Woodson presented the petition of Eleanor Morton, praying for the passage of a law enabling her to convey a certain tract of land, according to a previous contract between herself and William D. Young and John Young.

7. Mr. Conner presented the petition of James Rice, of Lawrence county, praying for the passage of a law to permit him to bring into this Commonwealth a negro boy.

Which were received and referred: the 1st and 2d to the committee on Religion; the 3d and 7th to the committee on Propositions and Grievances; the 4th to the committee on Agriculture; the 5th to the committee on Internal Improvement; and the 6th to the committee on the Judiciary.

The Speaker laid before the Senate the annual report of the Superintendent of Public Instruction, which is as follows, viz:

FRANKFORT, KENTUCKY,
January 10, 1843. }

SIR:

I herewith transmit to you, and to the Senate, the fifth annual report of the Superintendent of Public Instruction; also, the report of the "Board of Visitors of the Kentucky Institution for the Education of the Blind."

Very respectfully,
G. W. BRUSH, *Superintendent.*

Hon. MANLIUS V. THOMSON,
Speaker of the Senate.

[*For the reports—see Legislative Documents.*]

Ordered, That the said reports be referred to the committee on Education, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend the law concerning County Surveyors.

An act for the benefit of the infant heirs of John W. Wooldridge, dec'd.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Trustees of the United Baptist Church of Hopkinsville, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jackson Shelton and others, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, reported a bill for the benefit of North and Bassett, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The Speaker laid before the Senate a communication from P. S. Loughborough, which is as follows, viz:

FRANKFORT, KENTUCKY, January 10, 1843.

SIR:

Since the last session of the General Assembly the undersigned has compiled a digest of the Public Statutes of this Commonwealth, of a permanent nature, enacted since the publication of the digest of Messrs. Morehead and Brown.

The work has been examined by the Judges of the Court of Appeals, and approved by them. In addition to the statutes, it contains notes of the decisions of the Court of Appeals, which settle their construction, and of the principles determined in other recent and leading cases in that court, together with an appendix of certain laws of the United States, and other matters deemed useful.

The undersigned has the honor to submit the work to the consideration of the General Assembly, and he transmits herewith to the Senate four copies of it.

I am Sir, very respectfully,
Your obedient servant,
P. S. LOUGHBOROUGH.

Hon. M. V. THOMSON,

Lieutenant Governor and Speaker of the Senate.

Ordered, That said communication be referred to the committee on the Judiciary.

Leave was given to bring in the following bills, *to-wit*:

On the motion of Mr. Hughes—1. A bill for the benefit of the Sheriff of Henry county.

On the motion of Mr. Garth—2. A bill to amend the law selling a part of the streets of Somerset.

On the motion of Mr. Bennett—3. A bill to cause all deeds and indictments of writing, individual, promissory, &c., executed within this Commonwealth, to be written in the English language.

On the motion of Mr. McElroy—4. A bill to amend an act, entitled, an act to amend the law concerning Constables, approved February 4th, 1820.

The committee on the Judiciary was directed to prepare and bring in the 1st and 3d, and Messrs. Garth, James and Griffith were appointed a committee to prepare and bring in the 2d, and Messrs. McElroy, Payne and Pirtle were appointed a committee to prepare and bring in the 4th.

A bill to establish the office of Second Auditor was taken up, and the further consideration thereof was postponed and made the special order of the day for Friday next.

The Speaker laid before the Senate the following communication from the Secretary of State, *to-wit*:

OFFICE OF THE SECRETARY OF STATE,
January 11th, 1843. }

Pursuant to the provisions of the act of March 3d, 1842, entitled, "an act authorizing the exchange of thirty years State bonds for six years State bonds," the Secretary of State has the honor to transmit, herewith, to the Senate, a tabular statement showing the number, date, &c. of six years bonds cancelled and withdrawn from circulation.

J. HARLAN,
Secretary of State.

To THE HON. M. V. THOMSON,
Speaker of the Senate.

[*For the Statement—see Legislative Documents.*]

Ordered, That the said communication be referred to the committee on the Sinking Fund.

Two messages, in writing, were received from the Governor by Mr. Harlan, Secretary of State.

A bill from the House of Representatives, entitled, an act to change the venue in the case of James McLaughlin of the city of Louisville, charged with murder, was amended and ordered to be read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had adopted a resolution in relation to the petition of Ernst Heerlingen upon the subject of the Milk Sickness.

The said resolution was twice read, amended and adopted.

On the motion of Mr. Dyer, leave was given to bring in a bill to incorporate the Muhlenburg Iron Manufacturing Company, and the committee on the Judiciary was directed to prepare and bring in the same.

And then the Senate adjourned.

THURSDAY, JANUARY 12, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to amend the laws relating to State roads in Pendleton county.
2. An act for the benefit of James W. Cook.
3. An act for the benefit of the Sheriff of Laurel county.
4. An act for the benefit of the former Sheriff of Laurel county.
5. An act for the benefit of William R. Payne, administrator of Edward Payne, deceased, late Sheriff of Christian county.
6. An act for the benefit of Maurice Moore, of Muhlenburg county.
7. An act to amend the charter of the Crab Orchard and Cumberland Gap turnpike road.
8. An act for the benefit of Martin Fugate.
9. An act authorizing an alteration to be made in the State road leading from New Liberty, in Owen county, to Covington, on the Ohio river.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 6th, 7th and 9th to the committee on Internal Improvement; the 2d, 3d, 4th and 5th to the committee on Finance; and the 8th to the committee on Military Affairs.

1. Mr. Boyd presented the petition of E. H. Curd, Clerk of the Calloway County Court, praying for the passage of a law to refund to him \$28 50, paid on a Pedler's license issued by him as Clerk.

2. Mr. Boyd presented the petition of Sundry citizens of Marshall county, praying for the passage of a law allowing an additional Justice of the Peace to said county.

3. Mr. Boyd presented the petition of John Stone, praying for a divorce from his wife, Mary Stone.

4. Mr. McAfee presented the petition of Lucy Silvertooth, praying for a divorce from her husband, George Silvertooth.

Which petitions were received and referred: the 1st and 2d to the committee on the Judiciary, and the 3d and 4th to the committee on Religion.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Robert Blackwell, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Pirtle, from the same committee, reported the following bills, *to-wit*:

An act for the benefit of the Sheriff of Henry county.

An act for the benefit of Eleanor Morton and her children.

An act to incorporate the Ohio and Muhlenburg Manufacturing Company.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, reported a bill concerning mortgages and other dispositions of property made by insolvent persons, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, *to-wit*:

An act to charter the "Adas Israel," (community of Israel,) of the city of Louisville.

An act for the benefit of the Trustees of the Simpson Seminary.

An act to change the names of Drewry Davis Murray, William Goose and Sarah Ann Harris.

An act for the benefit of the Sheriff of Clinton county.

An act for the benefit of Archibald H. and Eliza Cooper.

An act to provide for running and re-marking the division line between the counties of Campbell and Pendleton.

An act to amend the several acts to prohibit the practice of duelling.

An act to attach part of Clay to Perry county.

An act to allow an additional Justice of the Peace to the county of Crittenden, and for other purposes.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. William Conway, a member of the Senate from the fourteenth Senatorial District, appeared and produced a certificate of his election, and having taken the oaths required by the Constitution of the United States, and Constitution of this State, took his seat.

Mr. Young, from the committee on Religion, reported a bill for the benefit of Lucinda S. Smart, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on Religion.

Mr. Boyd, from the same committee, reported a bill for the divorce of Granderson G. Goodwin, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was ordered to be engrossed and read a third time.

Mr. Rodes, from the same committee, reported a bill for the divorce of Elizabeth Mitchell, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from select committees, to-wit:

By Mr. Garth—A bill for the benefit of Somerset.

By Mr. Griffith—A bill for the benefit of Thomas Gore.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rodes read and laid on the table preamble and resolutions relating to the purchase and manufacture of hemp in Kentucky, for the use of the Navy of the United States.

The rule of the Senate being dispensed with,

Ordered, That said preamble and resolutions be referred to the committee on Agriculture.

On the motion of Mr. M. Williams, leave is given him to withdraw the petition of sundry citizens of the counties of Morgan, Lawrence and Floyd, praying for a new county out of parts of said counties; the committee on Propositions and Grievances having been discharged from the further consideration of the same.

The Speaker laid before the Senate the annual report of the President of the Board of Internal Improvement, which is as follows, *to-wit*:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
January 12th, 1843. }

SIR:

I have the honor to transmit, through you, to the Senate, the annual report, in part, of the Board of Internal Improvement, with the accompanying documents.

I am, very respectfully, &c.,

THOMAS METCALFE, P. B. I. I.

Hon. M. V. THOMSON,

Lieutenant Governor and Speaker of the Senate.

[For the report--see Legislative Documents.]

Ordered, That the said report be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

On the motion of Mr. James, leave was given to bring in a bill for the benefit of the Sheriff of Hickman county, and the committee on Finance was directed to prepare and bring in the said bill.

A bill to suppress usury and extortion, was discussed for sometime.

And then the Senate adjourned.

FRIDAY, JANUARY 13, 1843.

A message was received from the House of Representatives, announcing that they had adopted a resolution for erecting a tomb over the grave of Joseph Desha, late Governor of Kentucky, which was twice read and adopted.

That they had passed bills of the following titles, to-wit:

1. An act to change the place of voting in the Corn creek precinct, in Trimble county.

2. An act to repeal all acts, or parts of acts, declaring Trammel's Fork of Drake's creek, up to Carpenter's mill, a navigable stream.

3. An act to amend an act concerning the town of Russellville, and for other purposes.

4. An act for the benefit of Henry L. Green.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st to the committee on Privileges and Elections; the 2d to the committee on Internal Improvement; the 3d to the committee on the Judiciary; and the 4th to the committee on Religion.

1. Mr. M. Williams presented the petition of Job Dean, praying that a survey made by Thomas W. Graham, deputy Surveyor of Floyd county, in the county of Pike, may be made good and valid, as though made by the Surveyor of Pike county.

2. Mr. Newell presented the petition of Mary Shawhan, praying for a divorce from her husband, Joseph Shawhan.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Religion.

Mr. Pirtle, from the committee on the Judiciary, reported a bill for the benefit of certain citizens of the town of Midway, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, to-wit:

1. An act to establish an additional election precinct in the county of Campbell.

2. An act to change the place of holding the Straight creek election precinct in Harlan county, and for other purposes.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the same committee, reported a bill to establish an election precinct in Breckinridge county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the committee on Religion, reported a bill to divorce Nancy W. Smith, and a bill to divorce Ann Vanarsdall.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act for the benefit of James W. Cook."

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of the former Sheriff of Laurel county.

An act for the benefit of James H. Winston.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Dyer presented to the Senate "An Essay showing the general importance of home manufactures to the agricultural interest, the means and policy of increasing and enlarging the manufactures of the State, and the utility and economy of household manufactures," by Adam Beatty, which was received and referred to the committee on Agriculture.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. McAfee—1. A bill for the benefit of Thomas Allen, Clerk of the Mercer County Court.

On the motion of Mr. M. Williams—2. A bill for the benefit of the Surveyor of Floyd county.

The committee on Finance was directed to prepare and bring in the 1st, and the committee on the Judiciary the 2d.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE OFFICE,
January 13, 1843. }

Gentlemen of the Senate:

I nominate for your advice and consent, Jesse Cassity to be Sheriff of Morgan county, in place of William Henry, whose term of service being about to expire, and the County Court having failed to recommend agreeably to the Constitution.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointment.

The Speaker laid before the Senate the annual report of the President and Directors of the Louisville and Portland Canal Company.

[*For the report—see Legislative Documents.*]

The Senate resumed the consideration of a bill to suppress usury and extortion.

Mr. Wallace moved to strike out the first section of the bill after the enacting clause, which reads as follows, viz:

That an act, entitled, an act to alter and amend the law concerning usury, approved February 6th, 1819, shall be, and the same is hereby, repealed, as to all contracts hereafter to be made; and the first section of an act, entitled, an act against usury, approved January 26, 1798, shall be, and the same is hereby, revived and declared to be in full force.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pirtle and Slaughter, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,
Bailey,
Bennett,
Boyd,

Chenault,
Dyer,
Griffith,
Hanson,

Hardin,
James,
Jesup,
Johnson,

McElroy,	Sterett,	Woodson,
Morgan, J. S.	Wallace,	Young—20.
Rodes,	Williams, M.	

Those who voted in the negative, were—

Messrs. Conner,	Huston,	Pirtle,
Conway,	Loving,	Slaughter,
Drake,	McAfee,	Walker,
Garth,	Newell,	Williams, S. L-14
Hughes,	Palmer,	

The said bill was then re-committed to a committee of Messrs. Pirtle, Slaughter and Loving.

And then the Senate adjourned.

SATURDAY, JANUARY 14, 1843.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend and reduce into one the several acts concerning the town of Bowlinggreen, and to change the time of the election of Trustees of the town of Burksville.

That they had received official information that the Governor had approved and signed enrolled bills which originated in the House of Representatives of the following titles, to-wit:

An act to charter the "Adas Israel," (community of Israel,) in the city of Louisville.

An act to amend the several acts to prohibit the practice of duelling.

An act for the benefit of the Sheriff of Clinton county.

An act to attach part of Clay to Perry county.

An act to allow an additional Justice of the Peace to the county of Crittenden, and for other purposes.

An act to provide for running and re-marking the division line between the counties of Campbell and Pendleton.

An act to change the names of Drewry Davis Murray, William Goose, and Sarah Ann Harris.

An act for the benefit of Archibald H. and Eliza Cooper.

An act for the benefit of the Trustees of the Simpson Seminary.

Approved January 12, 1843.

That they had passed bills of the following titles, to-wit:

1. An act to authorize the appointment of Commissioners to take the acknowledgment of deeds and other instruments of writing, executed out of this State.
2. An act for the benefit of William Lynch.
3. An act to allow additional Justices of the Peace to the counties of Harlan and Letcher.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st to the committee on the Judiciary, and the 2d and 3d to the committee on Propositions and Grievances.

The Speaker laid before the Senate the annual report of the Trustees of the Deaf and Dumb Asylum.

[*For the Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Education, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Conway presented the petition of Eliza McKnight, praying for a divorce from her husband James McKnight, which was received and referred to the committee on Religion.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act concerning the town of Russellville, and for other purposes, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting in the Corn creek precinct, in Trimble county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Young, from the committee on Religion, reported a bill for the benefit of Mary M. Shawhan, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. M. Williams, from the committee on Religion, reported a bill to divorce Bryce Patrick and Rebecca Patrick, which was read the first time as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That the marriage contract between Bryce Patrick and Rebecca Patrick be, and the same is hereby, dissolved ; and they are restored to all the rights and privileges of unmarried persons, and the said Rebecca to her maiden name, Rebecca Prater.

Ordered, That the said bill be read a second time.

The constitutional rule as to the second reading being dispensed with,

The question being taken on engrossing the said bill and reading the same a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Rodes, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Huston,	Newell,
Bailey,	Jesup,	Palmer,
Boyd,	Johnson,	Slaughter,
Conner,	McAfee,	Williams, M.
Drake,	McElroy,	Williams, S. L-16.
Garth,		

Those who voted in the negative, were—

Messrs. Bennett,	Hughes,	Sterett,
Chenault,	Loving,	Wallace,
Dyer,	Morgan, D.	Walker,
Griffith,	Morgan, J. S.	Woodson,
Hanson,	Pirtle,	Young—17.
Hardin,	Rodes,	

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled an act for the benefit of Maurice Moore, of Muhlenburg county, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act to amend the charter of the Crab Orchard and Cumberland Gap turnpike road.

2. An act authorizing an alteration to be made in the State road leading from New Liberty, in Owen county, to Covington, on the Ohio river.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Martin Fugate, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the select committee to whom was referred a bill to suppress usury and extortion, reported the same with amendments, which were concurred in.

Ordered, That said bill be engrossed and read a third time, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Hardin, from a select committee, reported a bill to regulate the salary of the Judge of the 5th Judicial District, and a bill to regulate the salary of the Chancellor of the city of Louisville, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

Mr. Rodes read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of four members of the House of Representatives, and two of the Senate, be appointed to examine the Transylvania University and the Lunatic Asylum; and that said committee report to the Legislature the prospects and resources of the former, and the condition of the latter.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read and adopted.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Rodes—1. A bill to amend an act for the benefit of the Lexington Grenadiers.

On the motion of Mr. Bennett—2. A bill to establish a Citizen's Bank in this Commonwealth.

On the motion of Mr. Sterett—3. A bill to amend the law regulating trials of the right of property.

On the motion of Mr. Alexander—4. A bill to amend the Militia Law of this Commonwealth.

On the motion of Mr. Garth—5. A bill to amend the law concerning Pedlers.

On the motion of Mr. Walker—6. A bill to encourage woollen manufactures in this State.

On the motion of Mr. Newell—7. A bill to suspend law process, and for other purposes.

The committee on Military Affairs was directed to prepare and bring in the 1st and 4th; the committee on Finance the 2d; the committee on the Judiciary the 3d; Messrs. Garth, Alexander and M. Williams were appointed a committee to prepare and bring in the 5th; Messrs. Newell, McElroy and J. S. Morgan the 7th; and the committee on Agriculture was directed to prepare and bring in the 6th.

A bill to establish the office of Second Auditor, was referred to the committee on the Judiciary.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of Robert Blackwell.

An act to change the place of holding the Straight creek election precinct, in Harlan county, and for other purposes.

Were each read the third time, and the latter amended by way of ryder.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act allowing an additional Constable in Henry county, was amended by way of ryder.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A message, in writing, received from the Governor on the 11th instant, was taken up and read as follows, viz:

Gentlemen of the Senate :

I nominate for your advice and consent, John A. Franklin to be Sheriff of Montgomery county, the County Court having failed to make a nomination at either of the terms of the court prescribed by the Constitution.

R. P. LETCHER.

January 11, 1843.

Resolved, That the Senate advise and consent to the said appointment.

On the motion of Mr. Hughes,

Resolved, That the committee on Education be instructed to take under consideration, the plan appended to the annual report of the Superintendent

of Public Instruction, for organizing a "College of Professional Teachers," and report their opinion thereon at as early a day of the session as practicable.

On the motion of Mr. Garth, leave was given to bring in a bill to repeal the law establishing Common Schools in Kentucky, and Messrs. Garth, Newell and McElroy were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

MONDAY, JANUARY 16, 1843.

A message was received from the House of Representatives, announcing that they had adopted a resolution to appoint a committee to settle with the local Board of the Owingsville and Big Sandy turnpike road, which was twice read and concurred in.

That they had passed bills of the following titles, to-wit:

1. An act for the benefit of James W. Cruce, Jr.
2. An act for the benefit of John Caudle, of Letcher county.
3. An act for the benefit of Thomas Jones, former Sheriff of Laurel county.
4. An act to change the names of Sandford Jett, William Murray and Lewis Fugate.
5. An act for the benefit of Jacob Mayo.
6. An act to establish an election precinct in Pike county.
7. An act for the benefit of William Corum, of Greenup county.
8. An act to amend the law requiring a seal or scroll to certain instruments of writing.
9. An act for the benefit of David T. Porter and his securities.
10. An act to authorize the First Baptist Church in Danville, to sell and convey three-fourths of an acre of land in said town.
11. An act to reduce the number of Constables in the county of Mercer, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 4th and 11th to the committee on

Propositions and Grievances; the 2d to the committee on Internal Improvement; the 3d to the committee on Finance; the 5th, 7th, 8th and 10th to the committee on the Judiciary; the 6th to the committee on Privileges and Elections; and the 9th to the committee on Military Affairs.

1. Mr. D. Morgan presented the petition of Henry S. Powers, former Sheriff of Fleming county, praying for the passage of a law refunding eighteen per cent. interest paid by him on a judgment rendered against him in the General Court.

2. Mr. Johnson presented the petition of Peter Jett, praying for the passage of a law allowing him pay for distributing certain public documents in the year 1840.

3. Mr. Palmer presented the petition of Robert Boyd, guardian to the infant heirs of Thomas Willis, deceased, praying for the passage of a law to authorize him to sell a certain slave belonging to said infants, and apply the proceeds to the payment of certain debts against said estate.

4. Mr. James presented the petition of Charles F. Hanna, and others, praying for the passage of a law releasing them from the penalty of a bond executed to the Commonwealth for certain public arms.

Which were received and referred: the 1st and 2d to the committee on Finance; the 3d to the committee on the Judiciary; and the 4th to the committee on Military Affairs.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the appointment of Commissioners to take acknowledgment of deeds and other instruments of writing executed out of this State, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill to regulate the terms of the Circuit Courts of this Commonwealth, reported the same with an amendment, and the said bill was made the special order in committee of the whole for Thursday the 19th inst.

Mr. Pirtle, from the same committee, reported a bill to provide for the purchase of a Digest of the Statute Laws of Kentucky, which bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended and ordered to be engrossed and read a third time.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, *to-wit*:

An act to allow additional Justices of the Peace to the counties of Harlan and Letcher.

An act for the benefit of William Lynch.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Young, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Henry L. Green, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Young, from the same committee, reported a bill divorcing Mary Robinson, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the laws relating to State roads in Pendleton county, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act to authorize the County Court of Pendleton county to change the location of a State road.

Mr. J. S. Morgan, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to repeal all acts, or parts of acts, declaring Trammel's Fork of Drake's creek, up to Carpenter's mill, a navigable stream.

An act for the benefit of William M. Coleman.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Loving, from the same committee, reported a bill for the benefit of Henry G., Leander A. and John Mitchell, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Coleman, assistant Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE OFFICE,
January 16, 1843. }

Gentlemen of the Senate:

I nominate for your advice and consent, Morton M. Price to be Sheriff of Estill county, in place of David W. Bullock, who has refused to accept and execute his bond according to law.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointment.

Mr. James, from the committee on Finance, reported a bill for the benefit of the Sheriff of Hickman county, and a bill to amend the revenue laws.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. McAfee,

Resolved, That the Board of Education be, and they are hereby, requested to furnish the Senate with an accurate and detailed account of the sums of money received as interest from the School Fund, and also in what manner the same has been disposed of, and to whom paid; also the amount now subject to be drawn for by the Superintendent of Public Instruction.

Mr. Jesup, from the committee on Military Affairs, reported a bill for the benefit of the Lexington Grenadier Company, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. James.

Resolved, That L. D. Deutelmoser, be permitted to take a seat in the Senate Chamber, for the purpose of reporting the proceedings of the Senate for the Mills' Point Herald.

An engrossed bill, entitled, an act for the divorce of Granderson G. Goodwin, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Loving, the vote by which the Senate rejected a bill to divorce Bryce Patrick and Rebecca Patrick, was re-considered, and the said bill was placed in the orders of the day.

A message, received from the Governor on the 11th instant, was taken up and read as follows, viz:

EXECUTIVE OFFICE,
January 11, 1843. }

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons to be militia officers for the offices attached to their names, they having been commissioned since the adjournment of the last Legislature, to-wit:

Hugh Logan to be Major General of the 2d Division, in place of Samuel Estill, resigned.

Thomas W. Cochran to be Major General of the 14th Division, in place of Joseph Hughes, who declined accepting.

Rice Maxey to be Brigadier General of the 10th Brigade, in place of Phillip Emmert, promoted.

Drury Rose to be Brigadier General of the 12th Brigade, in place of Eli Bozarth, promoted.

William B. Jenkins to be Brigadier General of the 28th Brigade, in place of Thomas W. Cochran, promoted.

Jeremiah Delph to be Colonel of the 10th Regiment, in place of Thomas A. Russell, resigned.

George C. Graves to be Lieutenant Colonel, of the 10th Regiment, in place of Jeremiah Delph, promoted.

Jesse A. Glass to be Colonel of the 12th Regiment, in place of James R. Barbee, promoted.

J. S. Sinclair to be Lieutenant Colonel of the 12th Regiment, in place of E. B. Duvall, refused.

William H. Hamilton to be Colonel of the 13th Regiment, in place of W. H. Hamilton, resigned.

Samuel A. Spencer to be Colonel of the 16th Regiment.

Asa Noe to be Lieutenant Colonel of the 16th Regiment.

William B. Allen to be Major of the 16th Regiment.

James Mullin to be Colonel of the 17th Regiment, in place of G. W. Bush, removed.

Armstead Blackwell to be Lieutenant Colonel of the 17th Regiment, in place of James Mullens, promoted.

John J. Vivion to be Major of the 17th Regiment, in place of Armstead Blackwell, promoted.

Hubbard M. Tibbs to be Major of the 20th Regiment, in place of Isaac Ramey, refused.

William A. Gorham to be Colonel of the 22d Regiment, in place of James C. Hackett, refused.

Elisha O. Hawkins to be Lieutenant Colonel of the 22d Regiment, in place of Wm. A. Gorham, promoted.

Joseph G. Smith to be Major of the 22d Regiment, in place of T. J. Todd, refused.

Angereau Franklin to be Colonel of the 24th Regiment, in place of Wm. Hughes, resigned.

James Patterson to be Colonel of the 26th Regiment, in place of Wm. McDonald, resigned.

David Kennady to be Lieutenant Colonel of the 26th Regiment, in place of James Patterson, promoted.

Edward M. Seavel to be Major of the 26th Regiment, in place of David Kennady, promoted.

Michael Whalan to be Colonel of the 27th Regiment, in place of Thos. S. Speed.

Elisha Metcalfe to be Lieutenant Colonel of the 27th Regiment, in place of J. Brookhart.

William Taylor to be Major of the 27th Regiment, in place of Michael Whalan, promoted.

Robert C. Hord to be Lieutenant Colonel of the 33d Regiment, in place of Reuben Shada, removed.

Leonard Button to be Major of the 33d Regiment, in place of Robert C. Hord, promoted.

Loyd Ryan to be Lieutenant Colonel of the 34th Regiment.

James B. Tipton to be Major of the 34th Regiment, in place of M. Cassidy, resigned.

Fleming H. Garnett to be Colonel of the 37th Regiment, in place of R. D. Waters, over age.

James Sanders to be Lieutenant Colonel of the 37th Regiment, in place of F. H. Garnett, promoted.

Lewis Melone to be Major of the 37th Regiment, in place of J. R. Baker, removed.

James Hisel to be Lieutenant Colonel of the 38th Regiment, in place of S. B. Irvine, over age.

Richard T. Scott to be Major of the 38th Regiment, in place of James Hisel, promoted.

Jefferson W. Martin to be Colonel of the 40th Regiment, in place of J. F. Vaught, removed.

James B. Hancock to be Lieutenant Colonel of the 40th Regiment, in place of Israel J. Baker, refused.

Jesse Moore to be Major of the 40th Regiment, in place of J. N. Martin, promoted.

Robert G. Rouse to be Major of the 41st Regiment, in place of Samuel Baldwin, resigned.

A. G. Kyle to be Lieutenant Colonel of the 43d Regiment, in place of James A. Fisher, removed.

George Hightower to be Major of the 43d Regiment, in place of A. G. Kyle, promoted.

James Price to be Lieutenant Colonel of the 44th Regiment, in place of Wm. Gasteneau, resigned.

Thomas M. Paschall to be Major of the 44th Regiment, in place of James Price, promoted.

William Johnson to be Lieutenant Colonel of the 55th Regiment, in place of A. R. McDowell, resigned.

Alfred McDowell to be Major of the 55th Regiment, in place of William Johnson, promoted.

Thomas T. Jones to be Lieutenant Colonel of the 65th Regiment, in place of David W. Fletcher, resigned.

Benjamin Perry to be Major of the 65th Regiment in place of Thomas T. Jones, promoted.

Lewis D. Ross to be Major of the 70th Regiment.

Israel Davis to be Major of the 76th Regiment, in place of Lewis W. Bailey, resigned.

Thomas E. Bramlette to be Colonel of the 81st Regiment, in place of Rice Maxey, promoted.

George N. Denton to be Lieutenant Colonel of the 81st Regiment, in place of Thomas E. Bramlette, promoted.

Thomas Bristow to be Major of the 81st Regiment, in place of George N. Denton, promoted.

Robert R. Logan, to be Major of the 85th Regiment, in place of Edward King, resigned.

Isaac J. Barbour to be Colonel of the 87th Regiment, in place of Eli Bozarth, promoted.

Noah Willis to be Lieutenant Colonel of the 87th Regiment, in place of John Petty, refused.

D. S. Carroll to be Major of the 87th Regiment, in place of John Bratcher.

James Hart to be Lieutenant Colonel of the 89th Regiment, in place of Daniel Smith.

Joseph Turner to be Major of the 93d Regiment, in place of Joseph O. Nelson, deceased.

J. B. Hancock to be Lieutenant Colonel of the 100th Regiment, in place of A. M. Kightly, refused.

Robert Ayers to be Major of the 100th Regiment, in place of A. M. Kightly, promoted.

John Bowmar to be Major of the 101st Regiment, in place of Isaac Garvin, deceased.

John M. Coleman to be Major of the 106th Regiment, in place of Newton Henry, resigned.

Burr H. May to be Colonel of the 117th Regiment, in place of Wm. G. Pearce, over age.

Elijah Whitaker to be Lieutenant Colonel of the 117th Regiment, in place of Burr H. May, promoted.

James W. Sanders to be Major of the 117th Regiment, in place of Elijah Whitaker, promoted.

John Hough to be Colonel of the 119th Regiment, in place of John G. Porter, promoted.

James B. Gregory to be Lieutenant Colonel of the 119th Regiment, in place of Amos V. Skinner, resigned.

John Hauser to be Major of the 119th Regiment, in place of Edward Stephens, resigned.

James C. Waller to be Major of the 122d Regiment, in place of Gabriel Farnsley, refused.

James H. Rochester to be Major of the 126th Regiment, in place of Jas. Bowling, deceased.

Philip Winfrey to be Lieutenant Colonel of the 130th Regiment, in place of Francis N. Taylor.

Edward Halsell to be Major of the 130th Regiment, in place of Philip Winfrey, promoted.

Amos Scudder to be Lieutenant Colonel of the 132d Regiment, in place of Claudius Duvall, resigned.

Elbridge G. Howe to be Major of the 132d Regiment, in place of Amos Scudder, resigned.

Asa Young to be Colonel of the 134th Regiment.

William Ellis to be Lieutenant Colonel of the 134th Regiment.

John A. Harris to be Major of the 134th Regiment.

Edward Strong to be Colonel of the 135th Regiment.

Harris T. Garnett to be Lieutenant Colonel of the 135th Regiment.

Lewis C. Bohannon to be Major of the 135th Regiment.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Garth read and laid on the table the following resolution, viz:

Resolved, That the Superintendent of Common Schools be required to report what amount of money has been paid to the Superintendents, and what amount paid to the several Commissioners of said schools in this Commonwealth, from the commencement of the system of Common Schools in Kentucky.

And then the Senate adjourned.

TUESDAY, JANUARY 17, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act to reduce the number of Justices of the Peace in Calloway and Daviess counties.
2. An act to establish the county of Owsley.
3. An act for the benefit of Coonrod Havens.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st and 2d were referred to the committee on Propositions and Grievances, and the 3d to the committee on Finance.

The Speaker laid before the Senate the annual report of the President of the Bank of the Commonwealth, which is as follows, viz:

COMMONWEALTH'S BANK OFFICE,
January 16, 1843. }

SIR:

I have the honor, herewith, to place before the General Assembly the annexed balance sheet, exhibiting the nominal condition of the liabilities and resources of the Commonwealth's Bank, on the 16th day of January, 1843.

Since my last annual report, I have collected the sum of \$8,163 58; which sum has been applied in the following manner, to-wit: \$6,300 to the Treasurer (for use of Sinking Fund;) \$442 12 to redemption of notes in circulation; \$1,295 06 to costs of suit, and other expenses of the institution—leaving a balance, of cash on hand, of \$126 40.

There is yet unredeemed, of the entire issue of notes and tickets, the sum of \$1,429 16. From the best information I have, the State will yet realize about the sum of \$12,000, if not more.

The great and unparalleled pressure in the monetary affairs of the country, forbid a certain estimate of the sum to be anticipated for the use of the Sinking Fund during the current year; yet I have every assurance of a sum at least equal to the past year.

With great respect,
O. G. CATES, President.

M. V. THOMSON, Esq.
Speaker of the Senate.

The condition of the Bank of the Commonwealth, on January 16, 1843.

LIABILITIES.	DR.
Stock, - - - - -	\$341,054 88
Notes payable, - - - - -	1,429 16
Interest, - - - - -	1,029 74
Individual depositors, (unapplied,) - - - - -	6,396 45
	<hr/>
	\$349,910 23
	<hr/>

	RESOURCES.	CR.
Bills receivable,	- - - - -	\$231,907 82
Real estate,	- - - - -	24,739 97
Treasurer, (for Sinking Fund,) A. Waggoner's administrators,	- - - - -	6,300 00
Delinquent Cashiers,	- - - - -	162 10
Attorneys,	- - - - -	29,989 32
Sheriff of Jefferson county,	- - - - -	4,863 20
Farmers' Bank of Harrodsburg,	- - - - -	50 00
Kentucky Exporting Company,	- - - - -	1,671 94
Individual tickets,	- - - - -	507 00
Turnpike stock,	- - - - -	708 63
State Bonds,	- - - - -	908 00
Profit and loss,	- - - - -	2,600 00
Expenses, &c.,	- - - - -	44,080 79
Cash on hand,	- - - - -	1,295 06
		126 40
		<hr/>
		\$349,910 23
		<hr/>

1. Mr. J. S. Morgan presented the petition of John W. Finnell, praying for the passage of a law cancelling a bond executed by him to the Commonwealth, for certain public arms.

2. Mr. Woodson presented the petition of Love Hogan, praying for the passage of a law authorizing her to remove out of this Commonwealth to the State of Missouri, certain slaves.

3. Mr. Dyer presented the petition of Emily O'Conner, praying for a divorce from her husband, William O'Conner.

4. Mr. Dyer presented the petition of sundry citizens of the counties of Muhlenburg, Davies and Ohio, praying for the formation of a new county out of parts of said counties.

Which were received and referred: the 1st to the committee on Military Affairs; the 2d to the committee on the Judiciary; the 3d to the committee on Religion; and the 4th to the committee on Propositions and Grievances.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law requiring a seal or scroll to certain instruments of writing, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Corum, of Greenup county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, reported the following bills, to-wit:

1. A bill to allow an additional Justice of the Peace for Marshall county.

2. A bill confirming the acts of the Surveyor of Floyd county.

3. A bill to explain the law concerning the prison bounds, and to authorize replevin on a *capias profine*.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 3d bill being dispensed with, it was ordered to be engrossed and read a third time.

The constitutional rule as to the second and third readings of the 1st and 2d bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition of Job Dean, and also the petition of E. H. Curd, to them referred, and the petition of said Curd was referred to the committee on Finance.

Mr. Walker, from the committee of Propositions and Grievances, reported a bill for the benefit of James W. Rice, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Griffith,	Newell,
Boyd,	Huston,	Palmer,
Conner,	Jesup,	Slaughter,
Conway,	Johnson,	Walker,
Drake,	Loving,	Williams, M.
Dyer,	McAfee,	Williams, S. L.-20.
Garth,	McElroy,	

Those who voted in the negative, were—

Messrs. Bailey,	Hughes,	Rodes,
Bennett,	James,	Sterett,
Chenault,	Morgan, J. S.	Woodson,
Hanson,	Pirtle,	Young—13.
Hardin,		

Resolved, That the title of the said bill be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Coleman, assistant Secretary of State.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate :

I nominate for your advice and consent, William Ray to be Sheriff of Casey county, in the place of Buford Peyton, who refused to accept the office.

January 17, 1843.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointment.

The following bills, from the House of Representatives, were reported from the several committees to whom they were referred, without amendment, to-wit:

By Mr. Walker, from the committee on Propositions and Grievances—An act for the benefit of James W. Cruce, Jr.

An act to change the names of Sandford Jett, William Murray and Lewis Fugate.

By Mr. Huston, from the committee on Privileges and Elections—A n act to establish an election precinct in Pike county.

By Mr. James, from the committee on Finance—An act for the benefit of Thomas Jones, former Sheriff of Laurel county.

By Mr. Jesup, from the committee on Military Affairs—An act for the benefit of David T. Porter and his securities.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the committee on Finance, reported a bill for the benefit of Henry S. Powers, late Sheriff of Fleming county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, to-wit:
 On the motion of Mr Hughes—1. A bill for the benefit of Joseph Barbour.
 On the motion of Mr. James—2. A bill for the benefit of Ann Eliza Page.
 On the motion of Mr. Griffith—3. A bill to enlarge and define the powers
 of the Trustees of the town of Madisonville.

On the motion of Mr. Alexander—4. A bill for the benefit of the Sheriff
 of Cumberland county.

The committee on Internal Improvement was directed to prepare and
 bring in the 1st; the committee on Finance the 4th; Messrs. James, Con-
 way and D. Morgan were appointed a committee to prepare and bring in
 the 2d; and Messrs. Griffith, McElroy and Rodes the 3d.

On the motion of Mr. Pirtle, Mr. D. Morgan was added to the committee
 on Banks.

On the motion of Mr. Rodes,

Resolved, That the Governor be requested to lay before the Senate, any
 document or remonstrance which may be in his possession, in relation to the
 nomination of Alexander McCoy as Major in the 10th Regiment.

Mr. Slaughter, from the committee on Agriculture, to whom was referred
 preamble and resolutions, relative to the purchase and manufacture of hemp
 in Kentucky for the use of the Navy of the United States, reported the
 same without amendment. Said preamble and resolutions were discussed
 for some time.

And then the Senate adjourned.

WEDNESDAY, JANUARY 18, 1843.

A message was received from the House of Representatives, announcing
 that they had passed bills of the following titles, viz:

1. An act to amend the law incorporating the town of Paducah, and for
 other purposes.
2. An act for the benefit of Silas and Elizabeth Hedges.
3. An act for the benefit of the creditors and heirs of James Coons.
4. An act to amend an act, entitled, an act to amend the laws exempting
 certain property from execution, and for other purposes.
5. An act to authorize a sale of the real estate of Charles McDowell, de-
 ceased.

6. An act for the benefit of Charlotte Mount.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

Mr. M. Williams presented a letter from Drury B. Boyd, requesting the passage of a law authorizing the appointment of a guardian for Charles Stone, and the removal of his property to the State of Missouri, where his mother lives; and also the removal of a dower slave to that State, which was received and referred to the committee on the Judiciary.

On the motion of Mr. Drake, leave was given to bring in a bill making an appropriation to the people of Breathitt county, for the purpose of constructing a road from the State road, (leading from Mountsterling, by the way of Prestonsburg to Virginia,) to the Court House in Breathitt county, and the committee on Internal Improvement was directed to prepare and bring in the same.

The Senate resumed the consideration of preamble and resolutions relative to the purchase and manufacture of hemp, for the use of the Navy of the United States, which are as follows, viz:

WHEREAS, in the opinion of the General Assembly of the Commonwealth of Kentucky, it is the duty of the Congress of the *United States*, [to give encouragement to the agricultural and manufacturing products of our own country, by preferring all such articles, the growth and manufacture of the same, as may be needed for the various branches of the public service, to any similar articles, the growth and manufacture of other countries. By thus preferring and using the products of our own country, we would not only give life and energy to individual enterprise, but would, at the same time, benefit the whole country by retaining among us the money which would be paid out for the rival foreign product, and would, by this means, not only stop the increase of our foreign debt, the payment of the interest on which, is one principal cause of our present embarrassment and distress, but would supply the means of paying off much of the principal of the debt itself. Among those products, which are of the first importance to the public service, and which deserve the fostering care of the General Government, is hemp. This article is grown extensively in several of the States, particularly in Kentucky, and if sufficient encouragement could be given to the domestic producer, by purchasing the native hemp for the use of the Navy, it would doubtless be prepared of a quality equal, if not superior to the foreign article. But to insure this result, it is necessary that the government should establish an agency and manufactory, at some suitable point in Kentucky, to purchase and work up the hemp so intended to be used.]

This, at the first view, may seem to be a wild and visionary scheme, but it only requires a little reflection and examination, to satisfy any intelligent man, that it is both practicable and reasonable. The quantity of hemp produced in Kentucky in 1840, as shown by the census of that year, was over nine thousand tons. It is believed by gentlemen well informed on the sub-

ject, that the crop of 1842, will exceed twelve thousand tons, and that two thirds of the whole crop are grown on the lands bordering on the Kentucky river. That river has been improved by locks and dams, about one hundred and twenty miles from its mouth, and is navigable for steamboats throughout the year. One of five dams and locks is located about one mile below Frankfort, the capitol of the State, and at a convenient point to be approached by good Turnpike roads, from all this great hemp growing region. There will be a large amount of water power at the Frankfort dam, which will be leased out by the State, on long leases, renewable at the pleasure of the lessee. If Congress desired it, a manufacturing establishment could be erected at this point, at a comparatively trifling expense, and any quantity of hemp might be purchased in the neighborhood; and it is confidently believed, could be manufactured as cheaply to the government, as at any other place on the continent. Another advantage of this location is, that the manufactured articles could be put immediately on board of steamboats and carried out to the Ohio river, and either up or down that river to any point which might be designated, at a very moderate cost for transportation. In addition, this location is contiguous to one of the most fertile tracts of country in the west, or perhaps in the world, and which abounds in all the more substantial articles of subsistence, and at prices as cheap as could be desired; as for example, pork can be purchased, at this time, at from one dollar and fifty to one dollar and seventy five cents per hundred pounds net, and Indian corn at from fifteen to twenty cents per bushel, and other articles at nearly the same rates. Skillful operatives may also be employed in abundance and at very low wages. Another advantage to be derived from manufacturing where the hemp is produced, would be the increased safety and convenience of transporting the article in a manufactured instead of a raw state. Raw hemp is bulky and very combustible, and subject to many casualties, from both fire and water, while being transported in the raw state, but when spun or wove, it is compact and comparatively safe from such casualties. But by far the most important consideration, is, that the government, by manufacturing the hemp in the vicinity where it is produced, would give such an assurance of a home market to the producer, that the business of water-rotting would be undertaken with sufficient spirit to insure an abundant supply as soon as a manufacturing establishment could be prepared to receive it. There are many experiments making and an increasing desire among our farmers, to embark extensively in the business; but such is the uncertainty of their hemp passing the inspection of the agents of the government, after all the trouble and cost of preparing of it at home, and the still greatly increased expense of transporting it to Boston, a thousand miles or more, to obtain a market, that it very much retards the enterprise, and a few disappointments, it is to be feared, would discourage it entirely. There is, in fact, one case which has come to the knowledge of the Legislature, of a crop of hemp which was examined by the gentleman who was sent out last summer to the west, by the Navy Department, and pronounced by him to be equal to the best Riga hemp, that he had ever seen, and was afterwards sent on by the owner, to Boston, to be sold to government, and was there condemned and refused by the government agents, and was forced into the market under this disadvantage, and as might have been expected, a heavy sacrifice was the consequence. This fact shows the great importance of the

gove
why
reg
fore
thei
the
loose
ple
nat
as h
sava
their
men
than
need
a co
shou
ers
sour
prod
ano
of v
and
kno
be c
ther
fore

T
ado
wh
in b
hou
tive
The
for
por
ern
ther
as c
trib
den
nies
The

I
it
a m
Sta

government erecting a manufactory of hemp in the west. It may be asked why American hemp growers ought not to be subject to the same rules in regard to transporting their hemp to the sea board to be manufactured, as foreigners, who are required to cross the ocean to the same points, with theirs? The answer is, that there is no necessity for enforcing the rule against the native hemp, as we think it has been shown that the government would lose nothing by the change of the place of manufacturing, and a few simple facts will show that much may be gained by the change. And first; native hemp will be obtained by the government instead of the foreign, and, as has been shown, an amount of money equal to the cost of the hemp, will be saved to the country, and as the government was made by the people, for their own benefit, that which benefits the people, must benefit the government. Now, if the proposed arrangement be made, which is nothing more than that the government shall purchase from its own people, an article it needs, and which the people have to sell, will it not benefit the people and as a consequence, benefit the government? And, besides, if the government should succeed in the enterprise, as it most certainly would, is it not probable that such an example would powerfully influence the builders and owners of merchant ships, to seek their supplies of cordage from the same source, and thereby increase the American demand for the same American product, and thus stimulate the growers of that product to increased exertions, until the supply would equal the demand, however great? There is another aspect in which this subject is vastly important in a national point of view. It is in the event of war with foreign nations of great naval power and resources. Should that calamity overtake us, and who is so wise as to know that it will not, then, instead of the precarious supplies that we should be obliged to seek from abroad, we should have an abundance at home, and thereby prevent the sinews of war from being cut, by expending millions to foreigners, for an article which should have been made by our own people?

The Legislature believe, that justice, as well as sound policy, demand the adoption of the proposed measure. It is a well known fact, that almost the whole government expenditure, for public works, is made on the sea board, in building and repairing the Navy, and in building light houses, custom houses, dock yards and fortifications on land as well as sea, while comparatively little or nothing is expended in the west, and especially in Kentucky. The establishment of the proposed manufactory would be some equivalent for the heavy contributions which have been made by the west, to the support of the Federal Government. They believe that a just and wise government should study to diffuse its benefits in an equal ratio with its burthens, and thereby strengthen the ties that bind its several parts together, as one people, united in heart, in affection, in interest. Such an equal distribution of the benefits with the burthens of the government, it is confidently believed, will render our happy union as durable as our own Alleganies, which, may Heaven grant, is the fervent prayer of this Legislature; Therefore,

1. *Resolved*, That it is the deliberate conviction of this Legislature, that it is the interest of the Nation, that Congress should cause to be established, a manufactory of hempen cordage, for the use of the Navy of the United States, at some suitable point in Kentucky.

2. *Resolved*, That our Senators and Representatives in Congress be, and

they are hereby requested to use their best exertions to procure the adoption of the measure set forth in the first resolution.

3. *Resolved*, That the Governor be, and he is hereby, respectfully requested to transmit a copy of the foregoing preamble and resolutions, to each of our Senators and Representatives in Congress.

Mr. McAfee moved to amend the said preamble by striking out from the words "*United States*," in the second line, printed in italics, to and including the word "*used*," printed in italics, and included in brackets; and to insert, "to establish an agency and manufactory at some suitable point in Kentucky, to purchase and work up hemp intended to be used for the Navy of the United States."

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and Rodes, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Garth,	McElroy,
Boyd,	Hughes,	Newell,
Conner,	Johnson,	Williams, M.—11.
Conway,	McAfee,	

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Pirtle,
Bailey,	Huston,	Rodes,
Chenault,	Jesup,	Sterett,
Drake,	Loving,	Walker,
Dyer,	Morgan, D.	Williams, S. L.
Griffith,	Morgan, J. S.	Woodson,
Hanson,	Palmer,	Young—21.

The question was then taken on the adoption of the said preamble and resolutions, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Woodson and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hanson,	Palmer,
Bailey,	Hardin,	Pirtle,
Bennett.	Huston,	Rodes,
Chenault,	Jesup,	Sterett,
Conner,	Loving,	Walker,
Conway,	McAfee,	Williams, M.
Drake,	McElroy,	Williams, S. L.
Dyer,	Morgan, D.	Woodson,
Garth,	Morgan, J. S.	Young—29.
Griffith,	Newell,	

Those who voted in the negative, were—

Messrs. Boyd, Hughes, Johnson—3.

The Speaker laid before the Senate a communication from the Governor, which was read as follows, viz:

Gentlemen of the Senate:

In compliance with the following resolution of the Senate: "Resolved, That the Governor be requested to lay before the Senate, any document or remonstrance which may be in his possession, in relation to the nomination of Alexander McCoy as Major of the 10th Regiment," I transmit, herewith, papers from No. 1 to 5, inclusive, which are all the papers in the possession of the Executive relative to the subject matter of the resolution.

R. P. LETCHER.

January 18, 1843.

Ordered, That the nomination of the said McCoy, and the said communication from the Governor and accompanying documents, be referred to the committee on Military Affairs.

A message, in writing, was received from the Governor by Mr. Harlan, Secretary of State.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill to establish the office of Second Auditor, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition of Robert Boyd.

Mr. Young, from the committee on Religion, to whom was referred the petition of John Stone, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Young, from the same committee, to whom was referred the petition of Eliza McKnight, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

The question being taken on concurring therein, it was decided in the negative.

Ordered, That said committee prepare and bring in a bill pursuant to said petition.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Owsley, reported the same.

Ordered, That the said bill be read a third time.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to reduce the number of

Constables in the county of Mercer, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, it was placed in the orders of the day.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to reduce the number of Justices of the Peace in Calloway and Daviess counties, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the committee on Internal Improvement, reported a bill for the benefit of Joseph Barbour, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Mr. Pirtle, from the select committee appointed for that purpose, reported a bill to divide the State into Congressional Districts, which was read the first time, and ordered to be read a second time.

Ordered, That the Public Printer print 150 copies of the said bill for the use of the General Assembly.

A message, in writing, was received from the Governor, by Mr. Harlan Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate :

I nominate for your advice and consent, Jonathan Hathaway to be Sheriff of Kenton county, in the place of James G. Arnold, resigned.

R. P. LETCHER.

January 18th, 1843.

Resolved, That the Senate advise and consent to the said appointment.

The following bills were reported from select committees, to-wit:

By Mr. Hardin—1. A bill to amend the attachment law, approved February 20th, 1839.

By Mr. McElroy—2. A bill to amend an act, entitled, an act to amend the law concerning Constables, approved February 4th, 1820.

By Mr. Griffith—3. A bill to enlarge and define the powers of the Trustees of the town of Madisonville.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

Ordered, That the Public Printer forthwith print 150 copies of the 1st bill for the use of the members of the General Assembly.

Mr. Chenault presented the petition of sundry citizens of the counties of Laurel, Rockcastle and Madison, praying for the passage of a law releasing Merrit S. Jones from a contract, by purchase, of a turnpike gate at the foot of the Big Hill, which was received and referred to the committee on Internal Improvement.

An engrossed bill, entitled, an act to suppress usury and extortion, was read a third time, and amended by way of engrossed ryder, and is as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any borrower of money or goods, may exhibit a bill in Chancery against the lender, and compel him to discover on oath, the money or thing really lent, and all bargains, contracts or shifts, which have passed between them relative to such loan, or the re-payment thereof, and the interest, or consideration for the same; and if, thereupon, it shall appear that more than lawful interest was reserved, the lender shall be obliged to accept his principal without interest or other consideration, and pay costs.

SEC. 2. Be it further enacted, That if any person shall receive of money or other thing, interest, greater than at the rate established in the act of 26th of January, 1798, the whole amount of interest received for the loan or forbearance, may be recovered from such person, or his or her representatives, on bill filed by the creditors of the person paying the same, who shall have judgment, and a return in substance, "no property," on an execution issued thereon; and if no creditor shall bring suit to recover the same for six months after it shall have been received, or the demands of such as shall sue therefor, shall not be large enough, together with costs, to include the amount so received, then the Commonwealth shall have the right to sue for the same, or the residue thereof, by action of debt in the proper court; such suit shall be brought at the instance of Commonwealth's Attorney of the district, or at the instance of any other person, or, upon the presentment of a grand jury; and any money so recovered at the suit of the Commonwealth, shall be applied to the Jury Fund. The limitation to the actions of the Commonwealth, and suits of individuals, given in this section, shall be ten years instead of five years, as in other cases.

SEC. 3. Be it further enacted, That when the payee of a note or other writing for the payment of money or property, shall bring any suit thereon, he or she shall, on or before the calling of the cause, file an affidavit therein, stating that said note or other writing was not made upon any usurious transaction, affecting said note or writing, directly or indirectly, or if there be any usury affecting said note or writing, he or she shall, in the affidavit, declare how it affects it, and the rate of usury specifically, or he or she, or some one for him or her, in his or her absence, shall state that said note was not executed in Kentucky, or in either of the adjoining States, as the person making the affidavit does verily believe; and if such affidavit be not made,

the suit shall be dismissed at the plaintiff's costs; but if the affidavit declare a rate of usury, the judgment shall not be rendered for any thing but the principal sum. The affidavit required herein, may be made before any Justice of the Peace or Judge of this State, or before the Clerk of the court where the suit is brought, or, by a party residing out of the State, before any Justice of the Peace, Judge of a court, or Notary Public, and the certificate of such officer, without other authentication, shall be sufficient.

SEC. 4. *Be it further enacted,* That where an action shall be brought by the assignee of a note or other writing, for the payment of money or property, and the plaintiff shall not file an affidavit, to be made as aforesaid, in the papers of the suit, stating that he or she knows of nothing usurious in the making of the note, and that the assignment thereof was not made to him, or her, at a greater rate of discount than six per centum per annum for the time to run from the assignment till the note or other writing was payable, or an affidavit setting forth the usury specifically, if there be any known to the plaintiff, or setting forth the sum or value paid or rendered for said note or other writing, if a less sum or value were paid or rendered, than at the rate of discount of six per cent. as aforesaid, and if such affidavit be not filed on or before the calling of the cause, it shall be dismissed at the plaintiff's costs; but if the affidavit shall set forth a rate of usury, judgment shall only be for the principal sum; and if the affidavit shall set forth a rate of discount larger than at the rate of six per cent. as aforesaid, the party shall only recover judgment for the sum paid for the note or other writing, and interest thereon.

SEC. 5. *Be it further enacted,* That no Sheriff, or deputy Sheriff, shall, directly or indirectly, purchase any note, or other writing, or any interest therein, for the payment of money, or personal property, on any person within his county, where the amount is over fifty dollars; nor shall such officer, directly, or indirectly, buy any judgment, or any interest therein, rendered against any person living in his county; nor shall he take any thing from any person, to forbear the levy or execution of any process, or delay any sale; nor shall he pay to the plaintiff or his representatives, less than the amount collected on any execution, (lawful commissions and fees excepted,) on any agreement with the plaintiff, or his representatives: And if any one shall offend herein, he shall be liable to be fined fifty dollars on indictment by a grand jury, to be applied to the Jury Fund, and shall, on conviction, be deprived of his office, and be incapable of ever after holding the same.

SEC. 6. *Be it further enacted,* That no Constable shall, directly or indirectly, purchase any note or other writing, or any interest therein, for the payment of money or property, on any person in his county, where a Justice of the Peace would have jurisdiction to give judgment thereon; nor shall any Constable, directly or indirectly, purchase any judgment or any interest therein, rendered by any Justice of the Peace in his county; no Constable shall take any thing from any person, to forbear the levy of any process, or delay any sale, nor shall he pay to the plaintiff, or his representatives, less than the amount of money collected on any execution, (lawful commissions and fees excepted,) on any agreement with the plaintiff, or his representatives; and if any one shall offend herein, he shall be liable to a fine of twenty five dollars, on an indictment by a grand jury, to be applied

JAN. 18.]

JOURNAL OF THE SENATE.

89

to the Jury Fund, and, upon conviction, shall be *ipso facto* deprived of his office, and shall not be capable of ever after holding the same.

SEC. 7. *Be it further enacted*, That this act shall not take effect until the first day of May next. All acts or parts of acts coming within the purview of this act shall be, and the same are hereby, repealed; but this act shall not affect any contract heretofore made.

Mr. Bailey moved to postpone the further consideration of the said bill until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bailey and Drake, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hanson,	Sterett,
Bailey,	Jesup,	Williams, M.
Boyd,	McElroy,	Woodson,
Griffith,	Rodes,	Young—12.

Those who voted in the negative, were—

Messrs. Bennett,	Hardin,	Newell,
Chenault,	Hughes,	Palmer,
Conner,	Huston,	Pirtle,
Conway,	Johnson,	Slaughter,
Drake,	Loving,	Walker,
Dyer,	McAfee,	Williams, S. L.—20.
Garth,	Morgan, J. S.	

Mr. Hanson moved to re-commit the said bill to the committee on the Judiciary, with instructions to amend the same by striking out, after the enacting clause, the 1st, 2d, 3d and 4th sections.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and Jesup, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Jesup,	Sterett,
Boyd,	Johnson,	Walker,
Griffith,	McElroy,	Williams, M.
Hanson,	Morgan, D.	Williams, S. L.
Hardin,	Rodes,	Young—16.
James,		

Those who voted in the negative, were—

Messrs. Alexander,	Conway,	Hughes,
Bennett,	Drake,	Huston,
Chenault,	Dyer,	Loving,
Conner,	Garth,	McAfee,

Morgan, J. S.	Palmer, Pirtle,	Slaughter, Woodson—18.
Newell,		

Mr. Griffith moved to amend the said bill by adding thereto the following engrossed clause, by way of ryder:

Be it further enacted, That it shall be lawful for any person making an actual loan of money, to take and receive an interest not exceeding eight per centum per annum, provided the borrower shall promise to pay the same in the face of the note executed for the money borrowed.

Mr. J. S. Morgan moved to re-commit the said bill to the committee on the Judiciary.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Slaughter and Drake, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey, Chenault, Dyer, Griffith, James,	Jesup, Johnson, Morgan, J. S. Rodes, Walker,	Williams, M. Williams, S. L. Woodson, Young—14.
--	--	--

Those who voted in the negative, were—

Messrs. Alexander, Bennett, Boyd, Conner, Conway, Drake, Garth,	Hanson, Hardin, Hughes, Huston, Loving, McAfee, McElroy,	Morgan, D. Newell, Palmer, Pirtle, Slaughter, Sterett—20.
---	--	--

The question was then taken on the adoption of the amendment moved by Mr. Griffith, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Griffith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander, Chenault, Dyer, Griffith, James,	McElroy, Morgan, D. Morgan, J. S. Newell, Sterett,	Williams, M. Williams, S. L. Woodson, Young—14.
---	--	--

Those who voted in the negative, were—

Messrs. Bailey,	Hanson,	McAfee,
Bennett,	Hardin,	Palmer,
Boyd,	Hughes,	Pirtle,
Conner,	Huston,	Rodes,
Conway,	Jesup,	Slaughter,
Drake,	Johnson,	Walker—20.
Garth,	Loving,	

Mr. J. S. Morgan moved to amend the said bill by adding thereto the following engrossed clause, by way of ryder, viz:

Be it further enacted, That it shall be lawful for any person making an actual loan of money, to take and receive an interest not exceeding seven per centum per annum, provided the borrower shall promise to pay the same in the face of the note executed for the money borrowed.

Mr. James moved to postpone the further consideration of the said bill until to-morrow.

The question being taken on the motion of Mr. James, it was decided in negative.

The yeas and nays being required thereon by Messrs. Hanson and Hughes, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Alexander,	Morgan D.	Williams, M.
Chenault,	Morgan, J. S.	Woodson,
Hardin,	Newell,	Young—11.
James,	Walker,	

Those who voted in the negative, were—

Messrs. Bailey,	Griffith,	McElroy,
Bennett,	Hanson,	Palmer,
Boyd,	Hughes,	Pirtle,
Conner,	Huston,	Rodes,
Conway,	Jesup,	Slaughter,
Drake,	Johnson,	Sterett,
Dyer,	Loving,	Williams, S. L.—23
Garth,	McAfee,	

On the motion of Mr. Drake, it was resolved that the main question be now put.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Hanson and Drake, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Bennett,	Dyer,	McAfee,
Chenault,	Garth,	Newell,
Conner,	Hughes,	Palmer,
Conway,	Huston,	Pirtle,
Drake,	Loving,	Slaughter—15.

Those who voted in the negative, were—

Messrs. Alexander,	Jesup,	Sterett,
Bailey,	Johnson,	Walker,
Boyd,	McElroy,	Williams, M.
Griffith,	Morgan, D.	Williams, S.L.
Hanson,	Morgan, J. S.	Woodson,
Hardin,	Rodes,	Young—19.
James,		

A bill from the House of Representatives, entitled, an act to amend the law incorporating the town of Paducah, and for other purposes, was reported from the committee on the Judiciary without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

THURSDAY, JANUARY 19, 1843.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to a resolution from that House, in relation to the petition of Ernst Heeringen, upon the subject of the Milk Sickness.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to-wit:

An act to amend the laws relating to State roads in Pendleton county.

An act to give the holders of Kentucky land warrants further time to have surveys made, and to return plats and certificates to the Register's office.

An act to change the venue in the case of James McLaughlin of the city of Louisville, charged with murder.

An act allowing an additional Constable in Henry county.

An act to change the place of holding the Straight creek election precinct in Harlan county, and for other purposes.

An act to incorporate the Trustees of the United Baptist Church of Hopkinsville.

An act to authorize the appointment of Commissioners to take the acknowledgment of deeds and other instruments of writing, executed out of this State.

An act for the benefit of Maurice Moore, of Muhlenburg county.

An act to amend an act concerning the town of Russellville, and for other purposes.

An act to amend the law requiring a seal or scroll to certain instruments of writing.

That they had concurred in the adoption of a resolution from the Senate, to appoint a committee to examine Transylvania University, and the Lunatic Asylum.

That they had passed bills from the Senate of the following titles, viz:

An act to amend the law establishing the town of Elkton, and for other purposes.

An act to enlarge John Sparkes' Constable district in the county of Harrison.

An act to change the name of William M. Jesse to the name of William M. Taylor.

An act to change the name of John Hampton to John Hampton Rhea.

An act to allow an additional Justice of the Peace for Marshall county.

An act to allow to Hickman county one additional Constable.

An act allowing an additional Justice of the Peace to the county of Adair.

With amendments to the two last bills.

That they had passed a bill, entitled, an act for the benefit of Harrison Brown, which bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Propositions and Grievances.

The Speaker laid before the Senate the following report of the Superintendent of Public Instruction, to-wit:

FRANKFORT, KENTUCKY,
January 18, 1843. }

In answer to a resolution of the Senate, I would beg leave to make the following general report, referring the Senate to the annual reports of the Superintendents for the various items connected with the Board of Education for the five years since its organization.

Original fund, \$850,000 State bonds.		
First annual report, January 3d, 1839, profits,	-	\$65,978 27
January 3d, 1839, expenses,	-	1,005 25
See appendix to Journal H. R., 1838-9, page 227, for details.		
Second annual report, Superintendent, January 3d, 1840,		\$89,213 27
profits,	-	
January 3, 1840, expenses,	-	890 00
Do. do uninvested,	-	980 36
See appendix to Senate Journal, 1839-40, page 129-30, for items.		
Third annual report, January —, 1841, profits,	-	\$133,347 36
January —, 1841, expenses,	-	660 93
Do. do. uninvested,	-	1,594 58
For details, see report for 1840, which is hereby furnished, and which will show what proportion of the above sum has been invested in State bonds, and what in Bank stock.		
The fourth annual report, January 11, 1842, balance and profits, \$3,594 58		
Expended for schools,	-	1,968 40
Expended for expenses,	-	1,709 37

Report herewith furnished, see items.

The fifth annual report of the Superintendent, now before the Senate, will furnish the amounts due to the Board of Education from the Commissioners of the Sinking Fund; also the amount paid the past year from said Commissioners.

All which is respectfully submitted.

G. W. BRUSH,
Superintendent Public Instruction.

Mr. J. S. Morgan moved to re-consider the vote by which the Senate rejected a bill to suppress usury and extortion.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jesup and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hardin,	Morgan, D.
Chenault,	Hughes,	Morgan, J. S.
Conner,	Huston,	Newell,
Conway,	Johnson,	Palmer,
Drake,	Loving,	Pirtle,
Dyer,	McAfee,	Williams, M.
Garth,	McElroy,	Woodson—22.
Griffith,		

Those who voted in the negative, were—

Messrs. Alexander,	Jesup,	Walker,
Bailey,	Rodes,	Williams, S. L.
Boyd,	Sterett,	Young—10.
Hanson,		

Ordered, That said bill be referred to a committee of Messrs. J. S. Morgan, Pirtle, Hardin, Palmer, Griffith and Conway.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to authorize a sale of the real estate of Charles McDonald, deceased, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Young, from the committee on Religion, reported a bill for the benefit of Eliza McKnight, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended.

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the negative, and so the said bill was rejected.

Mr. Garth moved the following preamble and resolutions, viz:

WHEREAS, there does now exist, throughout this State, a degree of pecuniary embarrassment and distress, fearful and unprecedented, pervading all classes and conditions of people: and, whereas, the property and homes of very many of our most worthy and industrious citizens are being torn from them and shamefully sacrificed at public sale, affording a rich harvest to sharpers, money hoarders and speculators, to the great detriment, no less of the Commonwealth than of honest debtors and the mass of creditors—wherefore,

1. *Resolved,* That it is the province and the *duty* of the present Legislature, to interpose the arm of the law to rescue from impending ruin, the unfortunate debtor class of the community, and at the same time to secure the just rights, and promote the interest of creditors in the aggregate, yet so as not to violate the Constitution of this State, or that of the United States.

2. *Resolved,* That the committee on the Judiciary, accordingly, be instructed to bring in a bill with such necessary guards as they may think proper, to prohibit the sale of personal estate under execution or a decree of court, unless the same shall bring two-thirds or three-fourths of its appraised value.

3. *Resolved,* That the committee on Banks be directed to enquire into the policy and expediency of providing an adequate circulating medium for the State, by the establishment of a Commonwealth's Bank, or by procuring an additional issue of paper by the existing Banks, and to report by bill or otherwise.

Mr. Alexander called for a division of the question, and the question being taken on the adoption of the first resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hardin,	Morgan, J. S.
Conner,	Hughes,	Newell,
Conway,	Huston,	Palmer,
Drake,	Johnson,	Slaughter,
Dyer,	McAfee,	Williams, M.
Garth,	McElroy,	Woodson,
Griffith,	Morgan, D.	Young—21.

Those who voted in the negative, were—

Messrs. Alexander,	Jesup,	Sterett,
Boyd,	Loving,	Walker,
Chenault,	Pirtle,	Williams, S. L.—11
Hanson,	Rodes,	

The question was then taken on the adoption of the second resolution, and it was decided in the negative, and so the said resolution was rejected.

The yeas and nays being required thereon by Messrs. Hughes and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Garth,	Morgan, J. S.
Conner,	Hughes,	Newell,
Conway,	Huston,	Palmer,
Drake,	Johnson,	Slaughter,
Dyer,	McAfee,	Williams, M—15.

Those who voted in the negative, were—

Messrs. Alexander,	Jesup,	Sterett,
Boyd,	Loving,	Walker,
Chenault,	McElroy,	Williams, S. L.
Griffith,	Morgan, D.	Woodson,
Hanson,	Pirtle,	Young—17.
Hardin,	Rodes,	

The question being taken on the adoption of the third resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Griffith,	Morgan, J. S.
Bennett,	Hardin,	Newell,
Chenault,	Hughes,	Palmer,
Conner,	Huston,	Slaughter,
Conway,	Jesup,	Sterett,
Drake,	Johnson,	Williams, M.
Dyer,	McAfee,	Woodson,
Garth,	Morgan, D.	Young—24.

Those who voted in the negative, were—

Messrs. Boyd,	McElroy,	Walker,
Hanson,	Pirtle,	Williams, S. L.—8.
Loving,	Rodes,	

The question was then taken on the adoption of said preamble, and it was decided in the negative, and so the said preamble was rejected.

The yeas and nays being required thereon by Messrs. Garth and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Drake,	McAfee,
Chenault,	Garth,	Newell,
Conner,	Hughes,	Palmer,
Conway,	Johnson,	Williams, M—12.

Those who voted in the negative, were—

Messrs. Alexander,	Huston,	Rodes,
Boyd,	Jesup,	Sterett,
Dyer,	Loving,	Walker,
Griffith,	McElroy,	Williams, S. L.
Hanson,	Morgan, D.	Woodson,
Hardin,	Pirtle,	Young—18.

Mr. Hughes read and laid on the table the following resolution, viz:

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That when they adjourn, severally, on the 10th of February next, they will adjourn without day.

The rule of the Senate being dispensed with, the said resolution was taken up.

Mr. Alexander moved to amend the said resolution by adding thereto, "at 2 o'clock, P. M."

Mr. Garth moved to lay the said resolution on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hughes and Garth, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hanson,	Slaughter,
Bennett,	Morgan, D.	Sterett,
Boyd,	Palmer,	Walker,
Garth,	Pirtle,	Woodson—14.
Griffith,	Rodes,	

Those who voted in the negative, were—

Messrs. Alexander,	Hughes,	McElroy,
Chenault,	Huston,	Morgan, J. S.
Conner,	Jesup,	Newell,
Conway,	Johnson,	Williams, M.
Drake,	Loving,	Williams, S. L.
Dyer,	McAfee,	Young—19.
Hardin,		

The amendment proposed by Mr. Alexander was then adopted.

Mr. Hanson moved to amend said resolution by striking out the "10th of February."

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McElroy and Hughes, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Bailey,	Griffith,	Pirtle,
Bennett,	Hanson,	Rodes,
Boyd,	Huston,	Slaughter,
Dyer,	Morgan, J. S.	Woodson—14.
Garth,	Palmer,	

Those who voted in the negative, were—

Messrs. Alexander,	Jesup,	Newell,
Chenault,	Johnson,	Sterett,
Conner,	Loving,	Walker,
Conway,	McAfee,	Williams, M.
Drake,	McElroy,	Williams, S. L.
Hardin,	Morgan, D.	Young—19.
Hughes,		

Mr. Rodes moved to amend the said resolution by striking out the 10th, and inserting the 18th.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rodes and Bailey, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Bailey,	Griffith,	Slaughter,
Bennett,	McAfee,	Williams, S. L.
Boyd,	Morgan, J. S.	Woodson,
Dyer,	Pirtle,	Young—14.
Garth,	Rodes,	

Those who voted in the negative, were—

Messrs. Alexander,	Hughes,	Morgan, D.
Chenault,	Huston,	Newell,
Conner,	Jesup,	Palmer,
Conway,	Johnson,	Sterett,
Drake,	Loving,	Walker,
Hanson,	McElroy,	Williams, M—19.
Hardin,		

Mr. Garth moved to lay the said resolution on the table.

The question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Garth and Alexander, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Griffith,	Pirtle,
Drake,	James,	Rodes,
Dyer,	Morgan, J. S.	Slaughter,
Garth,	Palmer,	Woodson—12.

Those who voted in the negative, were—

Messrs. Alexander,	Hughes,	Morgan, D.
Bailey,	Huston,	Newell,
Boyd,	Jesup,	Sterett,
Chenault,	Johnson,	Walker,
Conner,	Loving,	Williams, M.
Conway,	McAfee,	Williams, S. L.
Hanson,	McElroy,	Young—22.
Hardin,		

The question was then taken on the adoption of the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Sterett, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Chenault,	Hanson,
Bailey,	Conner,	Hardin,
Bennett,	Conway,	Hughes,
Boyd,	Dyer,	Huston,

[JAN. 19.

Jesup,	Morgan, D.	Walker,
Johnson,	Morgan, J. S.	Williams, M.
Loving,	Rodes,	Williams, S. L.
McAfee,	Sterett,	Young—25.
McElroy,		

Those who voted in the negative, were—

Messrs. Drake,	James,	Pirtle,
Garth,	Newell,	Slaughter,
Griffith,	Palmer,	Woodson—9.

The Speaker laid before the Senate a report from the Public Librarian, which is as follows, viz:

LIBRARY ROOM,
Frankfort, January 16, 1843. }

SIR:

You will please lay before the honorable House over which you preside, the accompanying report, which contains all the books received and purchased for the Public Library, for 1842, and books distributed.

Yours, respectfully,

GEO. A. ROBERTSON, P. L.

M. V. THOMSON, Esq.

Speaker of the Senate.

Books purchased by A. K. Woolley, for the Court of Appeals, in 1839—received the 11th of April, 1842.

			Numbers.	Vols.	Dollars.
1 Gallison's Reports,	-	-	6808 to 6809	2	16 00
1 Wilson's Reports,	-	-	6810 to 6812	3	8 00
1 Showers' Reports,	-	-	6813 to 6814	2	9 00
1 Knott & McCord's Report,	-	-	6815 to 6816	2	9 00
1 Leigh's Report,	-	-	6817 to 6823	7	42 00
					84 00

Books purchased for the State Library, by the Court of Appeals, for the year 1842.

		Numbers.	Vols.	Dollars.
1 Debates Virginia Convention,	-	6824	1	3 25
Indian Portraits and Biography, four volumes in one,	-	7123	1	24 00
				27 25

A catalogue of Books received in the Public Library, from the Secretary of State, in 1842.

				Years.	Numbers.	Vols.
Senate Journals of Kentucky,	-	-	-	1841-2	6825 to 6849	25
House Journals of Kentucky,	-	-	-	1841-2	6850 to 6874	25
Acts of Kentucky,	-	-	-	1841-2	6875 to 6924	50
Legislative Documents,	-	-	-	1841-2	6925 to 6949	25
Laws of Kentucky,	-	-	-	1840-2	6950 to 6969	20
Ben. Monroe's Reports, vol. 1st,	-	-	-	1841	6970 to 6978	10
Ben. Monroe's Reports, vol. 2d.	-	-	-	1842	6979 to 6988	10

	Cong's.	Years.	Numbers.	Vols.
Senate Documents,	-	26	1840-1	6989 to 6998
Senate Documents,	-	27	1841	6999 to 7000
Senate Journals,	-	26	1840-1	7001 to 7002
Senate Journals,	-	27	1841	7003 to 7004
House Journals,	-	26	1840-1	7005 to 7006
House Journals,	-	27	1841	7007 to 7008
Index to House Documents,	-		1831-9	7009 to 7010
Revolutionary Claims,	-			7011 to 7012
Reports of Committees,	-	26	1840-1	7013 to 7014
Executive Documents,	-	26	1840-1	7015 to 7026
Executive Documents,	-	27	1841	7027

	Numbers.	Vols.
Green's N. J. Chancery Reports,	7028	1
Harrison's N. J. Supreme Court Reports,	7029	1
Public Lands Laws, Instructions and Opinions,	7030 to 7049	18
American State Papers, Public Lands,	7050 to 7119	70
American Archives,	7120 to 7121	2
Toler's Law of Executors,	7122	1
Starke on Slander,	2105	1

Books distributed under the act of Assembly of the 18th February, 1841.

To Transylvania,	-	-	-	-	43 volumes.
Georgetown College,	-	-	-	-	137 volumes.
Kentucky Historical Society at Louisville,	-	-	-	-	198 volumes.
Making in all	-	-	-	-	378 volumes.

GEO. A. ROBERTSON, P. L.

Ordered, That said report be referred to the committee on the Library.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills from the Senate of the following titles, viz:

An act to allow to Hickman county one additional Constable.

An act allowing an additional Justice of the Peace to the county of Adair.

Mr. Garth, from a select committee, reported a bill to repeal the Common School Law, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the orders of the day.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. James in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration a bill to regulate the terms of the Circuit Courts of this Commonwealth, and had gone through the same, and directed him to report it to the House without amendment.

On the motion of Mr. Garth,

Resolved, That the bill be re-committed to the committee on the Judiciary, with instructions to bring in a bill abolishing one term of the Circuit Courts in this Commonwealth, and apportioning properly the labors of the several Judges of this Commonwealth.

A bill from the House of Representatives, entitled, an act to establish the county of Owsley, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act to provide for the purchase of a Digest of the Statute Laws of Kentucky, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act to explain the law concerning the prison bounds, and to authorize replevin on a *capias pro fine*, was read the third time.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and enrolled resolutions which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to-wit:

An act to establish an additional election precinct in the county of Campbell.

An act for the benefit of James W. Cook.

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of the former Sheriff of Laurel county.

- An act for the benefit of James H. Winston.
An act to legalize the location of the county seat of Ballard county.
An act to amend the law concerning County Surveyors.
An act for the benefit of Jackson Shelton, and others.
An act for the benefit of the infant heirs of John W. Wooldridge, dec'd.
An act for the benefit of Martin Fugate.
An act authorizing an alteration to be made in the State road leading from New Liberty, in Owen county, to Covington, on the Ohio river.
An act for the benefit of William M. Coleman.
An act to change the place of voting in the Corn creek precinct, in Trimble county.
An act for the benefit of Robert Blackwell.
An act to repeal all acts, or parts of acts, declaring Trammel's Fork of Drake's creek, up to Carpenter's mill, a navigable stream.
An act for the benefit of Henry L. Green.
An act to allow additional Justices of the Peace to the counties of Harlan and Letcher.
An act for the benefit of William Lynch.
An act for the benefit of Thomas Jones, former Sheriff of Laurel county.
An act to change the names of Sandford Jett, William Murray and Lewis Fugate.
An act to establish an election precinct in Pike county.
An act for the benefit of William Corum, of Greenup county.
An act for the benefit of James W. Cruce, Jr.
An act for the benefit of David T. Porter and his securities.
A resolution for erecting a tomb over the grave of Joseph Desha, late Governor of Kentucky.
A resolution to appoint a committee to settle with the local board of the Owingsville and Big Sandy turnpike road.
The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.
The Speaker laid before the Senate the following communication from the President of the Board of Internal Improvement, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
January 19th, 1843. }

The Board of Internal Improvement would respectfully ask leave to call the attention of the Senate to the accompanying communication of Wm. R. McKee, Superintendent Lexington and Ohio Railroad.

Doubting their authority under the act of the last session, to make the improvements mentioned by Mr. McKee, the Board could not do otherwise than refer the matter to the Legislature, remarking that, of the absolute and indispensable necessity of these improvements, they entertain no doubt. Should the honorable Legislature concur in this opinion, and signify that concurrence, by the adoption of a resolution or the passage of an act authorizing the work to be done, the duty will be discharged with the promptitude demanded by the necessity of the case.

Very respectfully, &c.

THOMAS METCALFE, P. B. I. I.

Hon. M. V. THOMSON,

Lieutenant Governor and Speaker of the Senate.

FRANKFORT, KENTUCKY,
January 19, 1843. }

SIR:

I would beg leave to call your attention to the necessity of paving a landing and erecting a warehouse at the end of the Railroad extension in Frankfort; also the necessity of building a cheap dwelling at the head of the plane. Without the warehouse and wharf, the extension can be of no earthly use; and a house at the head of the plane is necessary to protect property from depredation. There was a house of this description which was burned down in 1840, and has not been re-built.

The property of the State at the river, will be very much enhanced in value, by the wharf and warehouse; and all the improvements contemplated will be of a permanent character. No new appropriation of money will be required. If the grade of the wharf is not paved before the spring rains, it may be necessary to re-grade it. The whole will cost a sum not exceeding \$2,200.

Very respectfully,

WM. R. MCKEE,
Sup. Lex. and O. R. R.

GEN. THOS. METCALFE,

President Board Internal Improvement.

And then the Senate adjourned.

19.
the
ise
nd
bt.
on-
or-
ude

FRIDAY, JANUARY 20, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of Marshall county.
2. An act allowing Hiram Kendly a change of venue.
3. An act to amend the law relative to Coroners.
4. An act for the benefit of James K. Gallion, former Sheriff of Whitley county.
5. An act for the benefit of the Sheriffs of Ohio, Livingston, McCracken, Hopkins, Perry, Estill and Graves counties.
6. An act authorizing the County Courts of Morgan, Floyd and Pike to make changes in the State road in said counties.
7. An act to incorporate the Trustees of the Beech Grove Meeting House and School House, in Monroe county.
8. An act to amend an act establishing Fire Companies in the city of Lexington.
9. An act to reduce the number of Justices in the county of Trimble.
10. An act to reduce the number of Constables in the county of Trimble.
11. An act to amend the law of last session in relation to the county levy of Hopkins county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 6th were referred to the committee on Internal Improvement; the 2d, 3d and 8th to the committee on the Judiciary; the 4th and 5th to the committee on Finance; the 9th, 10th and 11th to the committee of Propositions and Grievances; and the 7th was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 7th bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Bailey, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, and an enrolled resolution which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to amend and reduce into one the several acts concerning the town of Bowlinggreen, and to change the time of the election of Trustees of the town of Burksville.

An act to amend the law establishing the town of Elkton, and for other purposes.

An act to change the name of John Hampton to John Hampton Rhea.

An act to allow an additional Justice of the Peace for Marshall county.

An act to change the name of William M. Jesse to the name of William M. Taylor.

An act to enlarge John Sparkes' Constable district in the county of Harrison.

A resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum.

The Speaker of the House of Representatives having signed the said bills and resolution, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

Messrs. Jesup and Loving were appointed a committee, on the part of the Senate, to examine Transylvania University and Lunatic Asylum.

Messrs. Palmer, Bennett and Hughes were appointed a committee, on the part of the Senate, upon the petition of Ernst Heeringen, relative to the Milk Sickness.

A bill to repeal the Common School Law, was placed in the orders of the day.

Mr. Pirtle, from the committee on the Judiciary, reported the following bills, viz:

1. A bill to amend the law regulating the trial of the right of property.
2. A bill authorizing Richard Ringo to remove certain slaves of Charles Stone, an infant.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st bill being dispensed with, it was ordered to be engrossed and read a third time.

The constitutional rule as to the second and third readings of the 2d bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Young, from the committee on Religion, to whom was referred a bill for the benefit of Lucinda S. Smart, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, the said bill was amended by way of ryder.

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, "and Eliza McKnight."

A message, in writing, was received from the Governor, by Mr. Harlan Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, *to-wit*:

Gentlemen of the Senate:

I nominate for your advice and consent, Schuyler H. Murrell to be Sheriff of Barren county, the County Court having failed to make a recommendation according to the provisions of the Constitution; and Jonathan Williams to be Sheriff of Russell county, in the place of Hugh French, resigned.

R. P. LETCHER.

January 20th, 1843.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Rodes, from the committee on Religion, reported a bill to amend an act, entitled, an act regulating divorces in this Commonwealth, approved the 31st January, 1809, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. James, from the committee on Finance, reported a bill for the benefit of Samuel and P. N. Grinter, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McAfee, from the committee on Education, reported a bill to amend the laws establishing Common Schools in this Commonwealth, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. James moved to strike out the proviso to the fifth section.

The said bill was made the special order for Thursday next, in committee of the whole House on the state of the Commonwealth.

Ordered, That the Public Printer print 150 copies of the said bill for the use of the General Assembly.

Mr. Pirtle, from a select committee, to whom was referred a bill to suppress usury and extortion, reported the same with amendments, which were concurred in.

Ordered, That said bill be made the special order of the day, for to-morrow, and the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Garth, from a select committee, reported a bill to amend the slave law of 1833, which was read the first time.

Mr. Hughes moved to lay the said bill on the table for the present.

The question being taken thereon, it was decided in the negative. The Senate being equally divided, the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Garth, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Huston,	Pirtle,
Chenault,	Loving,	Rodes,
Dyer,	Morgan D.	Slaughter,
Hanson,	Morgan, J. S.	Woodson,
Hardin,	Newell,	Young—16.
Hughes,		

Those who voted in the negative, were—

Messrs. Alexander,	Griffith,	McElroy,
Bennett,	James,	Sterett,
Boyd,	Jesup,	Wallace,
Conner,	Johnson,	Walker,
Conway,	McAfee,	Williams, M—16.
Garth,		

Ordered, That the said bill be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was placed in the orders of the day.

The Senate resumed the consideration of an enrolled bill, entitled, an act to explain the law concerning the prison bounds, and to authorize replevin on a *capias pro fine*.

The said bill reads as follows, viz:

WHEREAS, doubts exist in regard to the law respecting the prison bounds: *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no person taken on a writ of *capias pro fine*, shall be entitled to the prison bounds, but such person may execute a replevin bond with good surety to the Commonwealth, payable in three months; and thereupon he shall be discharged from custody; on such bond execution shall issue as on other replevin bonds, or the Commonwealth may have a *capias ad satisfacendum* endorsed, that "no surety of any kind shall be taken."

The question being taken on the passage of said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Garth and Conner, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hardin,	Rodes,
Conway,	Loving,	Sterett,
Drake,	McAfee,	Young—10.
Griffith,		

Those who voted in the negative, were—

Messrs. Alexander,	Hughes,	Newell,
Boyd,	Huston,	Wallace,
Chenault,	James,	Walker,
Conner,	Jesup,	Williams, M.
Garth,	Johnson,	Woodson—15.

An engrossed bill, entitled, an act for the benefit of Joseph Barbour, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to reduce the number of Constables in the county of Mercer, and for other purposes, was taken up and committed to a committee of Messrs. McAfee, M. Williams and Palmer.

A bill to divorce Bryce Patrick and Rebecca Patrick, was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rodes and Conway, were as follows, to-wit :

Those who voted in the affirmative, were—

Messrs. Alexander,	Garth,	McElroy,
Bailey,	Huston,	Newell,
Boyd,	James,	Slaughter,
Chenault,	Jesup,	Walker,
Conner,	Johnson,	Williams, M.
Conway,	McAfee,	Williams, S. L—19.
Drake,		

Those who voted in the negative, were—

Messrs. Dyer,	Morgan, J. S.	Wallace,
Hanson,	Pirtle,	Woodson,
Hughes,	Rodes,	Young—11.
Loving,	Sterett,	

Resolved, That the title of the said bill be as aforesaid.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Hanson—1. A bill for the benefit of Samuel N. Edwards, and others, the infant heirs of Cyrus Edwards, deceased.

On the motion of Mr. Wallace—2. A bill for the benefit of the Sheriff of Boone county.

On the motion of Mr. Hughes—3. A bill to regulate the time of holding Magistrate's courts in certain cases.

On the motion of Mr. Dyer—4. A bill for the benefit of Wm. E. Dixon.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Finance the 2d; the committee on Internal Improvement the 4th; and Messrs. Hughes, McAfee and Drake were appointed a committee to prepare and bring in the 3d.

The following bills were read the second time, viz:

1. A bill to regulate the salary of the Judge of the fifth Judicial District.

2. A bill to regulate the salary of the Chancellor of the city of Louisville, and for other purposes.

3. A bill to divide the State into Congressional Districts.

The 1st and 2d bills were referred to the committee on the Judiciary, and the 3d to the committee consisting of the thirteen members by whom the same was reported.

Mr. James, from the committee appointed for that purpose, reported a bill for the benefit of Ann Eliza Page, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

The communication, received from the President of the Board of Internal Improvement on yesterday, was referred to the committee on Internal Improvement.

And then the Senate adjourned.

SATURDAY, JANUARY 21, 1843.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills and resolutions which originated in that House of the following titles, viz:

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of the former Sheriff of Laurel county.

An act to change the names of Sandford Jett, William Murray and Lewis Fugate.

An act for the benefit of Thomas Jones, former Sheriff of Laurel county.

An act to amend the law concerning County Surveyors.

An act to legalize the location of the county seat of Ballard county.

An act authorizing an alteration to be made in the State road leading from New Liberty, in Owen county, to Covington, on the Ohio river.

An act for the benefit of Martin Fugate.

An act to repeal all acts, or parts of acts, declaring Trammel's Fork of Drake's creek, up to Carpenter's mill, a navigable stream.

An act for the benefit of Robert Blackwell.

An act for the benefit of James W. Cruce, Jr.

An act for the benefit of David T. Porter and his securities.

An act for the benefit of William Lynch.

An act for the benefit of William Corum, of Greenup county.

An act to establish an election precinct in Pike county.

An act for the benefit of Henry L. Green.

An act to allow additional Justices of the Peace to the counties of Harlan and Letcher.

An act for the benefit of James H. Winston.

An act for the benefit of William M. Coleman.

An act to change the place of voting in the Corn creek precinct, in Trimble county.

An act for the benefit of James W. Cook.

An act to establish an additional election precinct in the county of Campbell.

An act for the benefit of Jackson Shelton, and others.

An act for the benefit of the infant heirs of John W. Wooldridge, dec'd.

A resolution for erecting a tomb over the grave of Joseph Desha, late Governor of Kentucky.

A resolution to appoint a committee to settle with the local board of the Owingsville and Big Sandy turnpike road.

Approved January 20, 1843.

That they had passed bills of the following titles, to-wit:

1. An act to amend the law in relation to the Goose Creek turnpike road, passing through Clay and Laurel counties.

2. An act to change the time of commencing the spring term of the Hopkins Circuit Court.

3. An act to regulate the fees of the Police Judge of Paducah.

4. An act to amend an act, entitled, an act to provide for binding out poor free children of colour, approved 21st December, 1825.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Internal Improvement; the 2d and 4th to the committee on the Judiciary; and the 3d to the committee on Finance.

1. Mr. Sterett presented the petition of Emily Davison, praying for a divorce from her husband, Joseph Davison.

2. Mr. Loving presented the petition of Thomas S. Burton, a minor, praying for the passage of a law authorizing his guardian to pay over to him the sum of one thousand dollars out of the proceeds of his property.

3. Mr Garth presented the petition of Ezekiel A. Porch, praying for the passage of a law for the benefit of Jailers, providing compensation to them in every case where they are compelled to receive and diet prisoners.

4. Mr. Conner presented the petition of sundry citizens of Lawrence county, praying for the passage of a law to compensate Sally Gustin for taking care of David Gustin, a lunatic.

5. Mr. Conner presented the petition of James Marcum, praying for the passage of a law allowing him a change of venue.

6. Mr. Walker presented the petition of Sarah K. Allen, praying for a divorce from her husband, George W. Allen.

Which were received and referred: the 1st and 6th to the committee on Religion; the 2d, 3d, and 5th to the committee on the Judiciary; and the 4th to the committee on Finance.

Leave was given to bring in the following bills, *to-wit*:

On the motion of Mr. Woodson—1. A bill for the benefit of the stockholders of the old Bank of Versailles.

On the motion of Mr. Garth—2. A bill to amend the law approved 23d February, 1842, touching the Independent Bank of Somerset.

On the motion of Mr. Drake—3. A bill appointing Commissioners to convey real estate belonging to the Shelby College.

On the motion of Mr. J. S. Morgan—4. A bill for the benefit of the Sheriff of Bourbon county.

On the motion of Mr. Bennett—5. A bill to amend an act, entitled, an act to amend the charter of the city of Covington, approved January 4th, 1841.

On the motion of Mr. James—6. A bill for the benefit of J. R. Roaden, of Hickman county.

On the motion of Mr. Huston—7. A bill extending the time of bringing suits against executors and administrators.

On the motion of Mr. Alexander—8. A bill to amend the laws exempting certain property from execution.

The committee on the Judiciary was directed to prepare and bring in the 1st, 6th, 7th and 8th; the committee on Finance the 4th; the committee on Religion the 5th: Messrs. Garth, Pirtle and James were appointed a committee to prepare and bring in the 2d; and Messrs. Drake, Woodson and Conner the 3d.

On the motion of Mr. Hughes, the vote rejecting an engrossed bill, entitled, an act to explain the law concerning the prison bounds, and to authorize replevin on a *capias pro fine*, was re-considered, and the said bill was committed to the committee on the Judiciary.

The following bills, from the House of Representatives, were reported from the several committees to whom they were referred, without amendment, to-wit:

By Mr. Pirtle, from the committee on the Judiciary.—An act to amend an act, entitled, an act to amend the laws exempting certain property from execution, and for other purposes.

An act for the benefit of the creditors and heirs of James Coons.

An act for the benefit of Silas and Elizabeth Hedges.

An act allowing Hiram Kendly a change of venue.

By Mr. Walker, from the committee on Propositions and Grievances—An act to amend the law of last session in relation to the county levy of Hopkins county.

An act to reduce the number of Constables in the county of Trimble.

An act to reduce the number of Justices in the county of Trimble.

By Mr. J. S. Morgan, from the committee on Internal Improvement—An act for the benefit of Marshall county.

An act authorizing the County Courts of Morgan, Floyd and Pike to make changes in the State road in said counties.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law relative to Coroners, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill for the benefit of Ann Eliza Page, reported the same with an amendment, which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, reported a bill to amend an act for the benefit of the infant children of Cyrus Edwards, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. J. S. Morgan, the committee on Internal Improvement was discharged from the duty of preparing and bringing in a bill making an appropriation to the people of Breathitt county, for the purpose of constructing a road from the State road, (leading from Mountsterling by the way of Prestonsburg to Virginia,) to the Court House, in Breathitt county.

Mr. J. S. Morgan, from the committee on Internal Improvement, reported a bill further to regulate the Madison turnpike and Wilderness road, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bill be engrossed and read a third time.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to amend the law establishing the town of Elkton, and for other purposes.

An act to change the name of William M. Jesse to the name of William M. Taylor.

An act to enlarge John Sparkes' Constable district in the county of Harrison.

An act to change the name of John Hampton to John Hampton Rhea.

An act to allow an additional Justice of the Peace for Marshall county.

A resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum.

Approved January 20, 1843.

An act to amend and reduce into one the several acts concerning the town of Bowlinggreen, and to change the time of the election of Trustees of the town of Burksville.

Approved January 21, 1843.

The Senate resumed the consideration of a bill to suppress usury and extortion.

Mr. Hanson moved to amend the said bill by striking out the fourth section, which is as follows, viz:

Sec. 4. *Be it further enacted*, That where an action shall be brought by the assignee of a note or other writing, for the payment of money or property, and the plaintiff shall not file an affidavit, to be made as aforesaid, in the papers of the suit, stating that he or she knows of nothing usurious in the making of the note, and that the assignment thereof was not made to him, or her, at a greater rate of discount than ten per centum per annum for the time to run from the assignment till the note or other writing was payable, or an affidavit setting forth the usury specifically, if there be any known to the plaintiff, or setting forth the sum or value paid or rendered for said note or other writing, if a less sum or value were paid or rendered, than at the rate of discount of ten per cent. as aforesaid, and if such affidavit be not filed on or before the calling of the cause, it shall be dismissed at the plaintiff's costs; but if the affidavit shall set forth a rate of usury, judgment shall only be for the principal sum; and if the affidavit shall set forth a rate of discount larger than at the rate of ten per cent. as aforesaid, the party shall only recover judgment for the sum paid for the note or other writing, and interest thereon; and the residue of the sum payable on said note, or other writing, shall be adjudged to the Commonwealth, to be applied to the Jury Fund.

The question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and Slaughter, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Jesup,	Sterett,
Boyd,	Johnson,	Williams, S. L.
Griffith,	McElroy,	Woodson,
Hanson,	Morgan, D.	Young—14.
James,	Rodes,	

Those who voted in the negative, were—

Messrs. Alexander,	Garth,	Newell,
Bennett,	Hardin,	Palmer,
Chenault,	Hughes,	Pirtle,
Conner,	Huston,	Slaughter,
Conway,	Loving,	Wallace,
Drake,	McAfee,	Walker,
Dyer,	Morgan, J. S.	Williams, M—21.

On the motion of Mr. Newell,

Resolved, That the main question be now put.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Slaughter, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hardin,	Morgan, J. S.
Chenault,	Hughes,	Newell,
Conner,	Huston,	Palmer,
Conway,	Loving,	Pirtle,
Drake,	McAfee,	Slaughter,
Dyer,	Morgan, D.	Williams, M—19.
Garth,		

Those who voted in the negative, were—

Messrs. Alexander,	Jesup,	Wallace,
Bailey.	Johnson,	Walker,
Boyd,	McElroy,	Williams, S. L.
Griffith,	Rodes,	Woodson,
Hanson,	Sterett,	Young—16.
James,		

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Slaughter, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hardin,	Morgan, J. S.
Chenault,	Hughes,	Newell,
Conner,	Huston,	Palmer,
Conway,	Loving,	Pirtle,
Drake,	McAfee,	Slaughter,
Dyer,	Morgan, D.	Williams, M.—19.
Garth,		

Those who voted in the negative, were—

Messrs. Alexander,	Jesup,	Wallace,
Bailey,	Johnson,	Walker,
Boyd,	McElroy,	Williams, S. L.
Griffith,	Rodes,	Woodson,
Hanson,	Sterett,	Young—16.
James,		

Resolved, That the title of the said bill be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Harlan Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE OFFICE,
January 21, 1843. }

Gentlemen of the Senate:

I nominate for your advice and consent, Joseph B. Reid to be Mayor of the city of Maysville for the ensuing year, he having been elected agreeably to the charter of said city.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointment.

A bill to amend the slave law of 1833, was postponed and made the order of the day for Wednesday, the 1st of February next.

And then the Senate adjourned.

MONDAY, JANUARY 23, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act allowing an additional Justice of the Peace to the county of Wayne.
2. An act to reduce the price of vacant lands in the county of Wayne, and the Surveyor's fees of said county.
3. An act to change the name of Thomas Sparks.
4. An act to change the place of voting in election precincts in Graves and Jefferson counties.
5. An act to incorporate the Trustees of the Old Side Presbyterian Church, in Simpson county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st and 3d were referred to the committee on Propositions and Grievances; the 2d and 5th to the committee on the Judiciary; and the 4th to the committee on Privileges and Elections.

The Speaker laid before the Senate the annual report of the Trustees of the Cumberland Hospital.

[*For the report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Finance.

1. Mr. Pirtle presented the petition of the Portland Dry Dock and Insurance Company, praying for the passage of an act permitting the Board of Directors of said company to return to the stockholders fifty per cent. of their capital, and to reduce the same to fifty thousand dollars, in shares of fifty dollars each, instead of one hundred dollars as they now are; and also to annul the tax of fifty cents on each one hundred dollars of stock.

2. Mr. Pirtle presented the petition of the President and Directors of the Fireman's Insurance Company of Louisville, praying an amendment to the charter of said company, so as to admit any stockholder holding five shares or more of stock in the company, to serve as Director, upon his election by the stockholders.

3. Mr. Loving presented the petition of Mary Roney, praying for a divorce from her husband, Benjamin E. Roney.

4. Mr. S. L. Williams presented the petition of sundry citizens of Montgomery county, praying for the passage of a law making an allowance to John Wycoff for taking care of his afflicted son.

Which were received and referred: the 1st and 2d to the committee on the Judiciary; the 3d to the committee on Religion; and the 4th to the committee on Finance.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the House of Representatives of the following titles, and had found the same truly enrolled, *to-wit*:

An act to amend the law requiring a seal or scroll to certain instruments of writing.

An act for the benefit of Maurice Moore, of Muhlenburg county.

An act to reduce the number of Justices of the Peace in Calloway and Daviess counties.

An act to authorize the appointment of Commissioners to take the acknowledgment of deeds and other instruments of writing, executed out of this State.

An act to incorporate the Trustees of the United Baptist Church of Hopkinsville.

An act to change the venue in the case of James McLaughlin of the city of Louisville, charged with murder.

An act to change the place of holding the Straight creek election precinct in Harlan county, and for other purposes.

An act allowing an additional Constable in Henry county.

An act to authorize the County Court of Pendleton county to change the location of a State road.

An act to give the holders of Kentucky land warrants further time to have surveys made, and to return plats and certificates to the Register's office.

An act to amend the law incorporating the town of Paducah, and for other purposes.

An act to amend an act concerning the town of Russellville, and for other purposes.

An act to establish the county of Owsley.

A resolution in relation to the petition of Ernst Heeringen.

And enrolled bills which originated in the Senate of the following titles, to-wit:

An act to allow to Hickman county one additional Constable, and for other purposes.

An act allowing an additional Justice of the Peace to the county of Adair, and for other purposes.

And had found the same truly enrolled.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Working Men's Association of Newport, reported the same.

The question being taken on ordering said bill to a third reading, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Bennett, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Bennett,	Hughes,	Slaughter,
Conner,	Huston,	Wallace,
Conway,	Loving,	Walker,
Dyer,	Palmer,	Williams, S. L.
Garth,	Payne,	Woodson—15.

Those who voted in the negative, were—

Messrs. Bailey,	James,	Newell,
Boyd,	Jesup,	Pirtle,
Chenault,	Johnson,	Sterett,
Griffith,	McAfee,	Young—14.
Hardin,	McElroy,	

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of a bill from the House of Representatives, entitled an act to amend an act establishing Fire Companies in the city of Lexington, and said bill was referred to the committee on Military Affairs.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of commencing the spring term of the Hopkins Circuit Court, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Harrison Brown, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with, the said bill was amended by way of ryder.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Garth, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Griffith,	McElroy,
Boyd,	Huston,	Palmer,
Chenault,	James,	Slaughter,
Conner,	Jesup,	Wallace,
Conway,	Johnson,	Walker,
Dyer,	Loving,	Williams, M.
Garth,	McAfee,	Woodson—21.

Those who voted in the negative, were—

Messrs. Bailey,	Newell,	Sterett,
Bennett,	Payne,	Williams, S. L.
Hardin,	Pirtle,	Young—10.
Hughes,		

Resolved, That the title of the said bill be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James K. Gallion, former Sheriff of Whitley county, reported the same without amendment.

JAN. 23.]

JOURNAL OF THE SENATE.

121

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Ohio, Livingston, McCracken, Hopkins, Perry, Estill and Graves counties, reported the same with amendments.

Ordered, That said bill and amendments, be re-committed to the committee on Finance.

Mr. James, from the same committee, to whom was referred the petition of Peter Jett, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

The Speaker laid before the Senate a communication from the Governor, enclosing the annual report of the Commissioners of the Sinking Fund, which is as follows, to-wit :

To the General Assembly of Kentucky :

I transmit, herewith, the annual report of the Commissioners of the Sinking Fund.

R. P. LETCHER, *Chairman.*

January 23, 1843.

[*For the report—see Legislative Documents.*]

Ordered, That the said report be referred to the committee on the Sinking Fund, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Hughes, from a select committee, reported a bill to regulate the time of holding Magistrate's courts in certain cases, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. Newell presented the petition of Eunice A. and Elvira Thomson, praying for the passage of a law authorizing the Judge of the Fayette Circuit Court to appoint their guardian, William Z. Thomson, or some other suitable person, a commissioner to sell and convey their interest in a certain house and lot in Georgetown; and also a house and lot in Lexington, which was received and referred to the committee on the Judiciary.

On the motion of Mr. Conner, leave was given to bring in a bill for the benefit of the voters of the Liberty precinct, in Greenup county, and the committee on Privileges and Elections was directed to prepare and bring in the same.

Leave was given to bring in the following bills, *to-wit*:

On the motion of Mr. Bailey—**1** bill for the benefit of Deborah Carpenter and Rachel B. Craig, of Boyle county.

On the motion of Mr. Huston—**2**. A bill to amend an act, entitled, an act to regulate the guaging of spirituous liquors in this Commonwealth, passed and approved January 5, 1837.

On the motion of Mr. Young—**3**. A bill to exempt certain real estate from execution.

The committee on Finance was directed to prepare and bring in the **1st**; the committee on Agriculture the **2d**; and the committee on the Judiciary the **3d**.

Mr. Woodson, from the committee on Federal Relations, reported preamble and resolutions relative to the removal of obstructions to the navigation of the Ohio, Missouri and Mississippi rivers, and the establishment of Marine Hospitals on said rivers, which are as follows, *to-wit*:

The General Assembly of the Commonwealth of Kentucky, being deeply impressed with the importance of the navigation of the Ohio, Mississippi and Missouri rivers, viewing them as great natural means of intercourse and commerce, not only for the wide and growing West, but intimately connected with the interest of the whole nation; and the magnitude of the work of removing obstructions in said rivers, render it utterly beyond the power of the States, individually, to accomplish it, and believing it to be the plain duty of Congress to improve these great highways of the continent, and remove the obstructions imposed on the commerce of the West—

Be it resolved, That the Senators and Representatives in Congress from the State of Kentucky, be requested to bring the subject before Congress, and to urge a continuance of an annual and efficient appropriation for the purpose of improving the condition of the Ohio, Missouri and Mississippi rivers.

Resolved, That we have entire confidence in the practicability and efficiency of the plan that has been adopted for the removal of the obstructions in those streams, and ask that ample appropriations should be continued by Congress for that purpose.

And intimately connected with the subject of the improvement of those streams, and second alone to it in importance, is the duty of providing a competent number of Marine Hospitals, for the care and comfort of the sick and disabled boatmen who navigate them—many of whom are rendered objects of pity and charity by exposure to a variety of climate, and the numerous accidents that occur upon those streams.

Be it resolved, That it is due to those who are engaged in the commerce of the West, that a competent number of Marine Hospitals should be established and endowed upon the Mississippi and its tributaries, and upon the lakes, for the benefit of the sick and disabled boatmen; and that our Senators and Representatives in Congress are requested to use every effort to impress upon the Government of the United States the justness, propriety and necessity of complying with the suggestions contained in these resolutions.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the above resolutions to our Senators and Representatives in Congress, with a request that they be laid before that body.

The rule of the Senate being dispensed with, the said preamble and resolutions were twice read and adopted.

Mr. Palmer presented a memorial from J. P. Knott, praying that he may be paid the sum of \$3,513 12½ cents, which he alleges is yet due him for work and labor done on a road over Muldrow's Hill, which was received and referred to the committee on Internal Improvement.

An engrossed bill, entitled, an act to amend the law regulating the trial of the right of property, and a bill concerning mortgages and other dispositions of property, made by insolvent persons, were taken up and re-committed to the committee on the Judiciary.

An engrossed bill, entitled, an act further to regulate the Madison turnpike and Wilderness road, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled an act to amend the charter of the Crab Orchard and Cumberland Gap turnpike road, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to incorporate the Working Mens' Association of Newport, was read a third time.

The question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Johnson and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Huston,	Wallace,
Cooper,	Loving,	Walker,
Garth,	Palmer,	Williams, S. L.
Griffith,	Payne,	Young—14.
Hughes,	Slaughter,	

Those who voted in the negative, were—

Messrs. Alexander,	Jesup,	Newell,
Bailey,	Johnson,	Sterett,
Boyd,	McElroy,	Williams, M.—10.
Chenault,		

Resolved, That the title of the said bill be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, JANUARY 25, 1843.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills and a resolution which originated in that House of the following titles, viz:

An act to amend the law incorporating the town of Paducah, and for other purposes.

An act to amend an act concerning the town of Russellville, and for other purposes.

An act to amend the law requiring a seal or scroll to certain instruments of writing.

An act to establish the county of Owsley.

An act to change the place of holding the Straight creek election precinct in Harlan county, and for other purposes.

An act to change the venue in the case of James McLaughlin of the city of Louisville, charged with murder.

An act to authorize the appointment of Commissioners to take the acknowledgment of deeds and other instruments of writing, executed out of this State.

An act to incorporate the Trustees of the United Baptist Church of Hopkinsville.

An act for the benefit of Maurice Moore, of Muhlenburg county.

An act to reduce the number of Justices of the Peace in Calloway and Daviess counties.

An act to give the holders of Kentucky land warrants further time to have surveys made, and to return plats and certificates to the Register's office.

An act allowing an additional Constable in Henry county.

An act to authorize the County Court of Pendleton county to change the location of a State road.

A resolution in relation to the petition of Ernst Heeringen, upon the subject of the Milk Sickness.

Approved January 23, 1843.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill to amend the law regulating the trial of the right of property, reported the same with an amendment, which was concurred in.

The said bill, as amended, is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That hereafter, when a Sheriff, or other officer, shall summon a jury to try

the right of property, he shall not sell the property unless *a majority* of the jury shall agree that the property levied on by such officer, is subject to sale under said levy and execution; but in every other particular, the officer shall be governed by the law now in force regulating the trial of the right of property, approved December 27th, 1803, and the right of the plaintiff to have a sale on indemnifying the officer, shall stand as heretofore.

Mr. McAfee moved to amend the said bill by striking out the words "a majority of," printed in italics.

Mr. Loving moved to postpone the further consideration of the said bill until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Loving and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hughes,	Pirtle,
Bennett,	Johnson,	Wallace,
Chenault,	Loving,	Walker,
Conner,	Newell,	Williams, M—14.
Hardin,	Payne,	

Those who voted in the negative, were—

Messrs. Alexander,	Griffith,	Palmer,
Boyd,	Huston,	Slaughter,
Conway,	Jesup,	Sterett,
Drake,	McAfee,	Woodson,
Dyer,	McElroy,	Young—16.
Garth,		

The question was then taken on the adoption of the amendment moved by Mr. McAfee, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Newell and Alexander, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Garth,	McAfee,	Walker—5.
Johnson,	Newell,	

Those who voted in the negative, were—

Messrs. Alexander,	Griffith,	Pirtle,
Bailey,	Hardin,	Slaughter,
Bennett,	Hughes,	Sterett,
Boyd,	Huston,	Wallace,
Chenault,	Jesup,	Williams, M.
Conner,	Loving,	Williams, S. L.
Conway,	McElroy,	Woodson,
Drake,	Palmer,	Young—26.
Dyer,	Payne,	

The question being taken on engrossing the said bill and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and Drake, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Alexander,	Griffith,	Slaughter,
Boyd,	Huston,	Sterett,
Conway,	Jesup,	Williams, S. L.
Drake,	McElroy,	Woodson,
Dyer,	Palmer,	Young—17.
Garth,	Pirtle,	

Those who voted in the negative, were—

Messrs. Bailey,	Hughes,	Payne,
Bennett,	Johnson,	Wallace,
Chenault,	Loving,	Walker,
Conner,	McAfee,	Williams, M—14.
Hardin,	Newell,	

The constitutional rule as to the second reading of the said bill being dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Griffith,	Slaughter,
Boyd,	Huston,	Sterett,
Conway,	Jesup,	Williams, S. L.
Drake,	McElroy,	Woodson,
Dyer,	Palmer,	Young—17.
Garth,	Pirtle,	

Those who voted in the negative, were—

Messrs. Bailey,	Hughes,	Payne,
Bennett,	Johnson,	Wallace,
Chenault,	Loving,	Walker,
Conner,	McAfee,	Williams, M—14.
Hardin,	Newell,	

Resolved, That the title of the said bill be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to reduce the price of vacant lands in the county of Wayne, and the Surveyor's fees of said county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act concerning the boundry line of Letcher county.

An act to establish the name of the county seat of Letcher.

Reported the same without amendment.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act allowing an additional Justice of the Peace to the county of Adair, and for other purposes.

An act to allow to Hickman county one additional Constable, and for other purposes.

Approved January 23, 1843.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, viz:

EXECUTIVE OFFICE,
January 25, 1843. }

Gentlemen of the Senate :

I nominate for your advice and consent, Blount Hodge, James W. Mills, Wesley B. King, William Gordon, and Richard Olive to be Trustees of Cumberland Hospital for the present year.

R. P. LETCHER.

EXECUTIVE OFFICE,
January 25, 1843. }

Gentlemen of the Senate :

I nominate for your advice and consent, Josiah Pillsbury to be Police Judge of the town of Bowlinggreen.

Wiley E. Bentley to be Notary Public in the county of Hickman.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Dyer, from the committee on Internal Improvement, reported a bill

for the benefit of William E. Dixon, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on Internal Improvement.

A bill to repeal the Common School Law was taken up and committed to the committee on Education.

An engrossed bill, entitled, an act to amend an act, entitled, an act regulating divorces in this Commonwealth, approved January 31st, 1809, was taken up and amended by way of ryder.

Ordered, That said bill be re-committed to the committee on the Judiciary.

On the motion of Mr. Young,

Resolved, That the committee on the Penitentiary be, and they are hereby, instructed to examine the law now in force relative to that Institution, and if further legislation be necessary at the present session, that they report a bill for that purpose.

Mr. McAfee, from a select committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thomas Allin, Clerk of the Mercer County Court, reported the same without amendment.

The said bill was amended and committed to the committee on Finance.

On the motion of Mr. Boyd,

Resolved, That the committee on Finance be instructed to enquire into the propriety of re-locating the books and records of land entries in the district west of the Tennessee river, again within that district, and investing a Receiver with power to make entries, issue duplicates and examine records.

Mr. Alexander read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on Friday the 3d of February next, proceed to the election of Public Officers.

On the motion of Mr. Wallace, leave was given to bring in a bill for the benefit of the Clerk of the Boone County Court, and the committee on Finance was directed to prepare and bring in the same.

And then the Senate adjourned.

JAN. 26.]

JOURNAL OF THE SENATE.

131

THURSDAY, JANUARY 26, 1843.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to change the time of commencing the spring term of the Hopkins Circuit Court.

That they had passed a bill, entitled, an act to provide for the re-location of the seat of justice of Marshall county.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Propositions and Grievances.

1. Mr. Sterett presented the petition of William G. Boyd and others, on behalf of the citizens of Hawesville, praying for the passage of a law amending the charter of the Hawesville Seminary.

2. Mr. Huston presented the petition of sundry citizens of Nelson county, praying for the passage of a law adding a part of said county to the county of Spencer.

3. Mr. M. Williams presented a document from Andrew F. Livingston, relative to his petition for a divorce.

4. Mr. James presented the petition of the Anderson County Court, praying for the repeal of an act, passed at the present session, allowing two additional Justices of the Peace to said county; and also praying for the passage of a law reducing the number of Magistrates in said county.

Which were received and referred: the 1st to the committee on the Judiciary; the 2d and 4th to the committee on Propositions and Grievances; and the 3d to the committee on Religion.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred an engrossed bill, entitled, an act to amend an act, entitled, an act regulating divorces in this Commonwealth, approved 31st January, 1809, reported the same with an amendment, which was concurred in.

The fifth clause of the first section of said bill reads as follows, viz:

"5th. In favor of the wife when the husband shall *abandon her and* be guilty of acts of adultery."

Mr. Rodes moved to amend the said clause by striking out the words "abandon her and," printed in italics.

Mr. Payne moved the previous question; and the question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rodes and Wallace, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Alexander,	Huston,	Pirtle,
Conner,	James,	Slaughter,
Dyer,	McAfee,	Sterett,
Griffith,	McElroy,	Walker—14.
Hardin,	Payne,	

Those who voted in the negative, were—

Messrs. Bennett,	Garth,	Wallace,
Chenault,	Hughes,	Williams, M.
Conway,	Johnson,	Woodson,
Drake,	Rodes,	Young—12.

Ordered, That said bill be re-engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being re-engrossed,

Mr. Rodes moved further to amend the said bill.

Mr. Payne moved the previous question; and the question being taken, shall the main question be no put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rodes and M. Williams, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hardin,	Payne,
Boyd,	Hughes,	Pirtle,
Conner,	James,	Slaughter,
Dyer,	McAfee,	Sterett,
Griffith,	McElroy,	Woodson—15.

Those who voted in the negative, were—

Messrs. Alexander,	Garth,	Walker,
Bennett,	Huston,	Williams, M.
Chenault,	Johnson,	Williams, S. L.
Conway,	Rodes,	Young—14.
Drake,	Wallace,	

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred an engrossed bill, entitled, an act to establish the office of Second Auditor, reported the same with an amendment, which was concurred in.

Ordered, That said bill be re-engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being re-engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, "and for other purposes."

JAN. 26.]

JOURNAL OF THE SENATE.

133

Mr. Pirtle, from the same committee, to whom was referred a bill to amend the attachment law, approved February 20, 1839, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with,

On the motion of Mr. Sterett, the further consideration of the said bill was postponed until the first day of June next.

On the motion of Mr. Hughes, the votes postponing said bill and ordering it to be read a third time, were re-considered.

The said bill was amended and again ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill to amend an act, entitled, an act to amend the law concerning Constables, approved February 4th, 1820, reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the first Baptist Church in Danville to sell and convey three-fourths of an acre of land in said town, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jacob Mayo, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the places of voting in election precincts in Graves and Jefferson counties, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in the county of Morgan, and for other purposes, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the same committee, reported a bill for the benefit of the voters in the Liberty precinct, in the county of Greenup, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Huston, the committee on Privileges and Elections was discharged from the further consideration of the petition of sundry citizens of Morgan county, praying the establishment of an election precinct in said county.

Mr. Young, from the committee on Religion, to whom was referred the petitions of Emily Davison and Sarah K. Allen, each praying for a divorce, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected.

The question being taken on concurring in the adoption of said resolution, it was decided in the negative.

Ordered, That said committee prepare bills pursuant to said petitions.

Mr. Young, from the same committee, reported a bill for the divorce of Emily Davison, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill for the benefit of William E. Dixon, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Wm. R. Payne, administrator of Edward Payne, deceased, late Sheriff of Christian county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Ohio, Livingston, McCracken, Hopkins, Perry, Estill and Graves counties, reported the same with amendments, which were concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, "an act for the benefit of certain Sheriffs."

Mr. James, from the same committee, reported,

1. A bill providing compensation to Sheriffs, and others, for carrying persons of unsound mind to the Lunatic Asylum, and to provide for the examination of such persons at any time it may be necessary.

2. A bill authorizing the appointment of Collectors of the revenue in certain cases.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st bill was re-committed to the committee on Finance, and the 2d was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Sterett, the committee on Finance was discharged from the duty of preparing and bringing in a bill for the benefit of the Clerk of the Boone County Court.

Mr. S. L. Williams, from the committee on Military Affairs, to whom was referred the nomination of Alexander McCoy, reported the following resolution thereon, viz:

Resolved, That the Senate advise and consent to the appointment of Alexander McCoy as Major of the 10th Regiment, Kentucky Militia.

Which was concurred in.

A message, in writing, received from the Governor on the 17th instant, was taken up, and is as follows, viz:

EXECUTIVE OFFICE,
January 17, 1843. }

Gentlemen of the Senate:

I nominate for your advice and consent, John Patton to be Brigadier General of the 12th Brigade, in place of Drury Rose, resigned, or declined accepting in consequence of his being over the age of 45 years.

Alexander McCoy to be Major of the 10th Regiment, in place of G. W. C. Graves, promoted.

T. W. C. Clutter to be Colonel of the 21st Regiment, in place of T. W. Hart, removed.

John S. McKinney to be Lieutenant Colonel of the 21st Regiment, in place of T. W. C. Clutter, promoted.

John T. Amis to be Major of the 21st Regiment, in place of Harvey Smith, refused.

Reuben McDaniel to be Colonel of the 59th Regiment, in place of Colonel Micajah Basham.

Allen Basham to be Lieutenant Colonel of the 59th Regiment, in place of Reuben McDaniel, promoted.

Edward Dehaven to be Major of the 59th Regiment, in place of Allen Basham, promoted.

David K. Butler to be Colonel of the 80th Regiment.

Joseph Boling to be Major of the 80th Regiment, in place of David K. Butler, promoted.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Griffith, from the committee appointed for that purpose, reported a bill authorizing the Second Auditor to have the lands sold which are or may be forfeited to the Commonwealth of Kentucky, for the non-payment of taxes, interest and costs due thereon, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Finance, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

A bill to amend the laws establishing Common Schools in this Commonwealth, was postponed and made the order of the day for Tuesday next.

A resolution fixing a day for the election of public officers, was taken up and after some discussion, was laid on the table.

Leave was given to bring in the following bills, *to-wit*:

On the motion of Mr. Slaughter—1. A bill to amend the charter of Bardstown.

On the motion of Mr. Conner—2. A bill to alter the time of holding the Court of Assessment of the 110th Regiment.

On the motion of Mr. Wallace—3. A bill to repeal an act, entitled, an act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion, approved the 21st of February, 1839.

JAN. 26.]

JOURNAL OF THE SENATE.

137

Messrs. Slaughter, Pirtle and Hardin were appointed a committee to prepare and bring in the 1st, and the committee on Military Affairs were directed to prepare and bring in the 2d and 3d.

On the motion of Mr. Griffith,

Resolved, That the Board of Internal Improvement be requested to report to this House, the value of the water power as at present let or sold at the several locks and dams on Green river, to whom sold, and the amount now due from each lessee; and whether any persons are now using the water power at any of said locks without the consent and authority of the State; and whether any legislation be necessary to protect the interest of the Commonwealth and secure the payment of the tolls.

A message from the Governor, received on the 18th instant, was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent the following persons to constitute a Board of Overseers of Transylvania University, under the 7th and 8th sections of the act, entitled, "an act to incorporate the Transylvania Institute, and for other purposes," approved February 20th, 1839, to-wit:

Charles S. Morehead, of Franklin; Leslie Combs, of Fayette; Thomas M. Taylor, of Clarke; James Campbell, of McCracken; John H. McHenry, of Ohio; Jesse Craddock, of Hart; Henry Grider, of Warren; John L. Smedley, of Mercer; David Irvine, of Madison; William M. Suddeth, of Bath; Thomas Metcalfe, of Nicholas; George W. Johnson, of Scott; Thos. P. Wilson, of Shelby; John Shelby, of Clinton; and Gabriel E. Cox, of Nelson.

R. P. LETCHER.

January 18, 1843.

Resolved, That the Senate advise and consent to the said appointments.

The Speaker laid before the Senate the following communication from the Secretary of State, to-wit:

OFFICE OF THE SECRETARY OF STATE,
January 26th, 1843.

The Secretary of State has the honor to transmit to the Senate, herewith, the monthly statements of the resources and liabilities of the Bank of Kentucky, Northern Bank of Kentucky, and Bank of Louisville, so far as each have reported to this office.

J. HARLAN,
Secretary of State.

To THE HON. M. V. THOMSON,
Speaker of the Senate.

And then the Senate adjourned.

[JAN 27.]

FRIDAY, JANUARY 27, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act to amend the execution laws.
2. An act for the benefit of William Stevens.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st was referred to the committee on the Judiciary, and the 2d to the committee on Internal Improvement.

1. Mr. Conway presented the petition of sundry citizens of Hardin county, praying for the passage of a law allowing an additional Magistrate to said county, to reside at the town of Bloomington.

2. Mr. Conway presented the petition of J. O. Hamilton and J. L. Harper, praying for the passage of a law granting them the privilege of pedling for one year, or to reimburse them the sum of \$50, paid by them for a license.

3. Mr. Rodes presented the petition of David A. Sayre, praying for the passage of a law authorizing the issue of duplicates for certain State bonds lost by him in the mail, and also for the amendment of an act passed for his benefit on the 24th February, 1842.

Which were received and referred: the 1st to a committee of Messrs. Conway, Walker and Hughes; the 2d to the committee on Finance; and the 3d to the committee on the Sinking Fund.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill to extend the time of bringing suits against executors and administrators.

Mr. Pirtle, from the committee on the Judiciary, reported a bill for the benefit of Love Hogan; and a bill to amend the charter of the Fireman's Insurance Company of Louisville.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Young, from the committee on Religion, to whom was referred the

petition of Emily O'Conner, praying for a divorce, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

The question being taken on concurring in the adoption of said resolution, it was decided in the negative.

Ordered, That said committee prepare and bring in a bill pursuant to said petition.

Mr. Young, from the same committee, reported the following bills, viz:

A bill for the benefit of Sarah K. Allen.

A bill for the benefit of Mary Runner, of Nelson county.

A bill for the benefit of Emily O'Conner, of Daviess county.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Drake, from a select committee, reported a bill to amend the several acts for the benefit of Shelby College, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McAfee, from a select committee, to whom was referred a bill from the House of Representatives, entitled, an act to reduce the number of Constables in the county of Mercer, and for other purposes, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Boyd—1. A bill to authorize the County Courts of Calloway and Marshall counties to sell their Seminary lands.

On the motion of Mr. Conway—2. A bill to regulate the courts of the 13th Judicial District of this Commonwealth, and for other purposes.

On the motion of Mr. Payne—3. A bill further to define the duties of Sheriffs and Clerks of this Commonwealth.

The committee on Education was directed to prepare and bring in the 1st; Messrs. Conway, Huston and Pirtle were appointed a committee to pre-

pare and bring in the 2d; and the committee on the Judiciary were directed to prepare and bring in the 3d.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to-wit:

An act to incorporate the Trustees of the Beech Grove Meeting House and School House, in Monroe county.

An act to amend an act, entitled, an act to amend the laws exempting certain property from execution, and for other purposes.

An act to reduce the number of Justices in the county of Trimble.

An act to amend the law of last session in relation to the county levy of Hopkins county.

An act for the benefit of Silas and Elizabeth Hedges.

An act for the benefit of the creditors and heirs of James Coons.

An act authorizing the County Courts of Morgan, Floyd and Pike to make changes in the State road in said counties.

An act to reduce the number of Constables in the county of Trimble.

An act for the benefit of Marshall county.

An act for the benefit of James K. Gallion, former Sheriff of Whitley county.

An act allowing Hiram Kendly a change of venue.

An act concerning the boundary line of Letcher county.

An act to change the time of commencing the spring term of the Hopkins Circuit Court.

An act to reduce the price of the vacant lands in the county of Wayne, and the Surveyor's fees of said county.

An act to establish the name of the county seat of Letcher.

An act allowing an additional Justice of the Peace to the county of Wayne.

An act to change the name of Thomas Sparks.

An act to incorporate the Workingmen's Association of Newport.

An act to amend the charter of the Crab Orchard and Cumberland Gap turnpike road.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

A bill to explain the law concerning the prison bounds and to authorize replevin on *capias pro fine*, was taken up in the orders of the day.

JAN. 27.]

JOURNAL OF THE SENATE.

141

The question being taken on engrossing the said bill and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Conway, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Pirtle,
Bailey,	Hughes,	Rodes,
Bennett,	Huston,	Sterett,
Boyd,	James,	Wallace,
Conway,	Johnson,	Williams, S. L.
Drake,	McElroy,	Woodson.
Dyer,	Palmer,	Young—23.
Hanson,	Payne,	

Those who voted in the negative, were—

Messrs. Conner,	McAfee,	Williams, M—5.
Garth,	Walker,	

The constitutional rule as to the third reading being dispensed with, Mr. Garth moved to amend the same by adding the following engrossed clause by way of ryder, viz: "Provided that this bill shall not apply to any prosecution under the slave law of 1833."

Mr. Payne moved the previous question; and the question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Young, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Dyer,	Payne,
Bailey,	Griffith,	Pirtle,
Bennett,	Hanson,	Rodes,
Boyd,	Hardin,	Sterett,
Conner,	Hughes,	Williams, S. L.
Conway,	Huston,	Woodson,
Drake,	McElroy,	Young—21.

Those who voted in the negative, were—

Messrs. Garth,	McAfee,	Walker,
James,	Palmer,	Williams, M—8.
Johnson,	Wallace,	

Resolved, That the said bill do pass, and that the title be amended by striking out the words "on a capias pro fine," and inserting in lieu thereof, "in certain cases of misdemeanor."

The Speaker laid before the Senate the following report of the President of the Board of Internal Improvement, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
January 27th, 1843.

SIR:

I herewith present to the Senate, through you, a continuation of the annual report of the Board of Internal Improvement, and a response to the resolution of the House of Representatives of the 23d instant.

I have the honor to be,

With great respect, yours, &c.,

THOMAS METCALFE, P. B. I. I.

Hon. MANLIUS V. THOMSON,
Speaker of the Senate.

[*For the report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, S. G. Tillett to be Brigadier General of the 9th Regiment, in place of Hugh Logan, promoted.

Robert T. Smith to be Major of the 1st Regiment, in place of William Helfrick, cashiered.

John Carter to be Colonel of the 46th Regiment, in place of John Norris, resigned.

Nicholas C. Robinson to be Lieutenant Colonel of the 46th Regiment, in place of John Carter, promoted.

William Henry Johnston to be Colonel of the 93d Regiment, in place of Martin Squires, resigned.

Joseph Turner to be Lieutenant Colonel of the 93d Regiment, in place of William Henry Johnston, promoted.

Jaran White to be Major of the 93d Regiment, in place of Joseph Turner promoted.

Elbridge G. Howe to be Colonel of the 132d Regiment, in place of W. D. Payne, resigned.

James Sewers to be Major of the 132d Regiment, in place of Elbridge G. Howe, promoted.

R. P. LETCHER.

January 27, 1843.

Gentlemen of the Senate:

I nominate for your advice and consent, Price Nuttal to be Sheriff of Henry county, the County Court having failed to recommend at the period prescribed by the Constitution.

R. P. LETCHER.

January 27, 1843.

JAN. 28.]

JOURNAL OF THE SENATE.

143

Resolved, That the Senate advise and consent to the said appointments.

On the motion of Mr. James,

Resolved, That the committee on the Judiciary enquire into the expediency and propriety of amending the laws now in force relative to the liabilities of sureties for public officers in this Commonwealth; that they further enquire into the propriety of so amending said law as to exempt all original sureties where counter or other security has been given from any liability of their principal, which may have occurred after such counter or other security has been taken.

Mr. Pirtle, from the committee on the Judiciary, reported a bill for the benefit of Thomas M. Wooldridge, his wife and children, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the re-location of the seat of justice of Marshall county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Walker, the committee on Propositions and Grievances was discharged from the further consideration of the petition of the County Court of Anderson county, to them referred.

And then the Senate adjourned.

SATURDAY, JANUARY 28, 1843.

A message was received from the House of Representatives, announcing that they had disagreed to bills from the Senate of the following titles, viz:

An act for the benefit of Thomas J. Johnson.

An act for the benefit of Thomas Gore.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of certain citizens of the town of Midway.

An act to establish an election precinct in Breckinridge county.

With amendments to each.

That they had passed bills of the following titles, to-wit:

1. An act to legalize the votes given in the counties of Cumberland and Clinton at the election in 1842, and for other purposes.

2. An act to abolish an election precinct in Letcher county, and for other purposes.

3. An act for the benefit of James H. Armstrong.

4. An act for the benefit of Edmund G. Watkins.

5. An act granting a change of venue to William Durmitt.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 2d were referred to the committee on Privileges and Elections; the 3d to a committee of Messrs. Bennett, Pirtle and Hardin; the 4th to the committee on Finance; and the 5th to the committee on the Judiciary.

1. Mr. Boyd presented the petition of the Trustees of the Trigg County Seminary, praying for the passage of a law legalizing an act of said Trustees in leasing out a certain tract of land.

2. Mr. Payne presented the petition of Margaretta Mitchell, praying for the passage of a law reimbursing her the sum of five hundred dollars, paid by her husband towards the erection of the Capitol.

Which were received and referred: the 1st to the committee on Education, and the 2d to the committee on Finance.

The following bills were reported, to-wit:

By Mr. Pirtle, from the committee on the Judiciary—1. A bill granting James Marcum a change of venue.

By Mr. Young, from the committee on Religion—2. A bill for the divorce of Lucy and George Silvertooth.

By Mr. James, from the committee on Finance—3. A bill for the benefit of R. B. Craig and Deborah Carpenter, now of Boyle county.

4. A bill for the benefit of Joseph Gilpin, of Marion county.

By Mr. McAfee, from a select committee—5. A bill to authorize the County Courts of Calloway and Marshall counties to sell their Seminary lands.

By Mr. Walker, from the committee on Propositions and Grievances—6. A bill to establish the county of McLean.

By Mr. Conway, from a select committee—7. A bill allowing an additional Justice to the county of Hardin.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 6th was placed in the orders of the day; the 7th was committed to the committee on the Judiciary; and the 1st, 2d, 3d, 4th and 5th were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st, 2d, 3d, 4th and 5th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thos. Allin, Clerk of the Mercer County Court, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and for other purposes."

Mr. Walker moved that the committee on Propositions and Grievances be discharged from the further consideration of the petition, to them referred, of sundry citizens of Nelson county, praying to be added to the county of Spencer.

On the motion of Mr. Slaughter,

Ordered, That the motion of Mr. Walker to discharge the committee be postponed until Monday next, and made the special order of the day in committee of the whole House on the state of the Commonwealth.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills from the Senate of the following titles, viz:

An act for the benefit of certain citizens of the town of Midway.

An act to establish an election precinct in Breckinridge county.

Leave was given to withdraw the papers of Thomas J. Johnson.

A bill to amend an act, entitled, an act to amend the law concerning Constables, approved February the 4th, 1820, was taken up.

Ordered, That the said bill be engrossed and read a third time.

And then the Senate adjourned.

MONDAY, JANUARY 30, 1843.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act authorizing the County Courts of Morgan, Floyd and Pike to make changes in the State road in said counties.

An act to reduce the number of Constables in the county of Trimble.

An act for the benefit of Marshall county.

An act for the benefit of James K. Gallion, former Sheriff of Whitley county.

An act allowing Hiram Kendly a change of venue.

An act to reduce the price of the vacant lands in the county of Wayne, and the Surveyor's fees of said county.

An act to establish the name of the county seat of Letcher.

An act to change the name of Thomas Sparks.

An act allowing an additional Justice of the Peace to the county of Wayne.

An act to change the time of commencing the spring term of the Hopkins Circuit Court.

An act concerning the boundary line of Letcher county.

An act to amend the law of last session in relation to the county levy of Hopkins county.

An act to reduce the number of Justices in the county of Trimble.

An act to incorporate the Trustees of the Beech Grove Meeting House and School House, in Monroe county.

An act to amend an act, entitled, an act to amend the laws exempting certain property from execution, and for other purposes.

An act to amend the charter of the Crab Orchard and Cumberland Gap turnpike road.

An act to incorporate the Workingmen's Association of Newport.

An act for the benefit of Silas and Elizabeth Hedges.

An act for the benefit of the creditors and heirs of James Coons.

Approved January 27, 1843.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act for the benefit of the Sheriffs of Ohio, Livingston, McCracken, Hopkins, Perry, Estill and Graves counties.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of Ann Eliza Page.

JAN. 30.]

JOURNAL OF THE SENATE.

147

- An act for the benefit of Thomas S. Burton, of Allen county.
That they had passed bills of the following titles, to-wit:
1. An act for the benefit of certain Sheriffs.
 2. An act for the benefit of Lewis Souders.
 3. An act to change certain Constable's districts, and to allow additional Constables and Justices of the Peace to certain counties.
 4. An act for the benefit of the heirs of Joshua Evans, deceased.
 5. An act authorizing a sale of the poor house of Harrison county, and the land attached thereto, and for other purposes.
 6. An act to change the boundaries of the Germantown election precinct, in the county of Mason.
 7. An act to amend the charter of Bardstown.
 8. An act for the benefit of the United Baptist Church at Walton's creek, in Ohio county.
 9. An act to authorize the erection of a new Seminary of learning in the town of Falmouth, in Pendleton county.
 10. An act authorizing the Trustees of the town of Shelbyville to sell and convey certain ground in said town.
 11. An act concerning the Simpson Circuit Court.
 12. An act to amend an act, entitled, an act to establish a State road from the Ohio river to Albany, in Clinton county, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Finance; the 2d and 12th to the committee on Internal Improvement; the 3d to the committee on Propositions and Grievances; the 4th, 5th, 7th 8th, 10th and 11th to the committee on the Judiciary; the 6th to the committee on Privileges and Elections; and the 9th to the committee on Education.

1. Mr. Walker presented the petition of sundry citizens of the town of Russellville, in Logan county, praying for the passage of a law allowing an additional Constable to said town.

2. Mr. Walker presented the remonstrance of the County Court of Logan county against the passage of a law allowing an additional Constable to said county.

3. Mr. Hanson presented the petition of John Trimble, praying for the passage of a law allowing him a change of venue.

Which were received and referred: the 1st and 2d to the committee on Propositions and Grievances, and the 3d to the committee on the Judiciary.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act granting a change of venue to William Durmitt, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McElroy, from the same committee, to whom was referred a bill to enlarge and define the powers of the Trustees of the town of Madisonville, reported the same with an amendment, which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. S. L. Williams, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act establishing Fire Companies in the city of Lexington, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Garth, from a select committee, reported a bill to amend the law concerning Pedlers, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Finance.

On the motion of Mr. Walker,

Ordered, That Mr. Conner be added to the committee on Propositions and Grievances.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Drake in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Drake reported that the committee had, according to order, had under consideration the motion to discharge the committee on Propositions and Grievances from the further consideration of the petition of sundry citizens of Nelson county, praying that part of said county may be added to Spencer county, and had directed him to report it to the Senate.

The question being taken on discharging the committee, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Huston and Alexander, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	McElroy,	Sterett,
Bailey.	Palmer,	Wallace,
Conner,	Pirtle,	Walker,
Griffith,	Rodes,	Williams, S.L.
Hardin,	Slaughter,	Young—16.
Loving,		

Those who voted in the negative, were—

Messrs. Bennett,	Garth,	Johnson,
Boyd,	Hanson,	McAfee,
Conway,	Huston,	Newell,
Drake,	James,	Williams, M—12.

On the motion of Mr. Huston, leave was given to withdraw the said petition.

The Speaker laid before the Senate the following communication from the Board of Internal Improvement, to-wit:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
January 1843. {

Hon. M. V. THOMSON.

In answer to the resolution of the Senate of the 26th inst., asking information in reference to the leasing water upon Green river, the Board of Internal Improvement beg leave respectfully to state—

That on the 28th of August, 1838, the Green and Barren river Commissioners, under authority of the Board, leased to N. Richards, water power at lock and dam No. 2, sufficient to run two pair common Burr mill stones and two saws, for a term of thirty years, he paying sixty dollars per year for each pair of stones, and fifty nine dollars per year for each saw—making the sum to be paid by him, \$238 per annum, or \$7,140 for the thirty years.

The bid of Richards was for a time lost or mislaid, and never brought to the notice of the Board until the 4th of February, 1841, when it was approved of, a bond prepared and executed, and the rent made to commence on the 1st July, 1840. In excavating for the race, it was necessary to shut the water off from Richards for something like a year, so that his rent should commence about 1st July, 1841. He has not paid any thing so far as the Board is informed.

On the 7th of December, 1838, the bid of McRery and Fleming for water power at lock and dam No. 3, sufficient to run two pair common Burr mill stones and two saws for the term of thirty years, was laid before the Board, they agreeing to pay \$400 per year for the first fifteen years; \$450 per year for the next five years, and \$500 per year for the next ten years—making the aggregate sum of \$13,250 for the thirty years. This bid was accepted upon condition of the parties entering into bond, &c. The bond has not yet been executed.

The Board has understood that these lessees, by some verbal understanding with a former President of the Board of Internal Improvement, or with the Green and Barren river Commissioners, claim to have got permission to remove their lease to lock and dam No. 2, where they have erected mills

and had them in operation since 1st July, 1840. They have paid no rent as the Board are informed.

The rents are payable half yearly in advance. Thence there is due from McRery and Fleming the sum of \$1,200; and from N. Richards \$476, which pays up to 1st July, 1843.

Thomas N. Eastin, & Co. have erected a mill at lock and dam No. 1, and have in operation two saws, and are making preparation to start two pair of stones. They asked the Board a year ago, and again very recently, to fix their yearly rent, they declining to state what sum they were willing to pay. The Board has not acted upon either of these applications, the State not having as yet procured title to the land.

In pursuance of the provisions of an act, entitled, "an act to amend the law which provides for condemning lands for public purposes," approved the 26th February, 1842, Commissioners have been appointed to assess the value of lands at lock and dam No. 1, on Green river, for the use of water power, &c. The Commissioners, some time since, made their report to Judge Calhoun, who, on account of some informality, returned the same for revision and correction. This difficulty, it is believed, will soon be removed, and about twelve acres of land will be obtained for the State at a price merely nominal, or perhaps without price.

As this company (Eastins') took possession of the premises, not only without authority, but after a refusal on the part of the Board of Internal Improvement to grant the privilege, it may be that their works are so constructed as to occupy a position which will exclude others from the use of water power which is not used by themselves; or that their establishment may be so located as to exclude others from a fair participation of other privileges at that site.

It is probable that this company will, when title to the land shall be obtained, conform to such rules and regulations, and agree to pay such rent as the authorized Agents of the government may think reasonable. However that may turn out, there should be a strong general law to protect the public lands against intrusion—the public property against depredation; and if need be, to remove all nuisances from the lock sites. If this is not done, meritorious individuals will be deterred from entering upon the premises as renters of the water power. In the opinion of the Board, the lessees of water power should be made to pay their dues directly into the Treasury; and in the event of failure to pay punctually, that it should be the duty of the Auditor promptly to move against any such defaulting lessee.

The existing law is sufficient to ensure the collection of tolls upon the Kentucky river, and the prompt payment thereof into the public Treasury. It could not, however, be expected that the Collectors of toll upon the Green and Barren rivers, should make payment into the public Treasury. It is worthy of consideration, however, whether they should not be required to deposits, at short periods, their collections in the Bowlinggreen Bank, to the credit of the Treasurer. The frequent passage of boats up to that point, would afford ample opportunity for making such deposits.

I have the honor to be,

Respectfully, your ob't ser'vt,

THOMAS METCALFE, P. B. I. I.

Ordered, That said report be referred to the committee on Internal Improvement.

A message, in writing, was received from the Governor by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, *to-wit*:

Gentlemen of the Senate:

I nominate for your advice and consent, James C. Calhoun to be Sheriff of McCracken county, in the place of John McElyea, resigned.

R. P. LETCHER.

January 28, 1843.

Resolved, That the Senate advise and consent to the said appointment.

Mr. Bennett, from a select committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James H. Armstrong, reported the same without amendment, and the said bill was referred to the committee on Finance.

Leave was given to withdraw the memorial and accompanying documents of George W. King, presented at the last session of the Legislature.

An engrossed bill, entitled, an act to amend an act, entitled, an act to amend the law concerning Constables, approved February the 4th, 1820, was taken up and referred to a committee of Messrs. McElroy, Hanson and James.

And then the Senate adjourned.

TUESDAY, JANUARY 31, 1843.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, *viz*:

An act to punish cheats and false personations of others.

An act for relief the of Eleanor Morton and her children.

An act to incorporate the Ohio and Muhlenburg Iron Manufacturing Company.

An act confirming the acts of the Surveyor of Floyd county.

That they had concurred in the adoption of a preamble and resolutions from the Senate relative to the removal of obstructions to the navigation of the Ohio, Missouri and Mississippi rivers, and the establishment of Marine Hospitals on said rivers.

That they had passed bills of the following titles, to-wit:

1. An act to amend an act, entitled, an act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattos and Indians, approved January 25th, 1842.
2. An act for the benefit of the Estill Seminary.
3. An act to extend the law concerning private passways.
4. An act to define the duties of Coroners, and for other purposes.
5. An act to incorporate the town of Smithland, and for other purposes.
6. An act allowing Henry Browning a change of venue.
7. An act granting a change of venue to Edmund F. Smith.
8. An act for the benefit of the heirs of James B. Ervers.
9. An act to extend the jurisdiction of the Police Judge and Town Marshall of Lancaster.
10. An act changing the time of holding the Boyle Circuit and County Courts, and for other purposes.
11. An act to amend the law in relation to Constables in Nicholas county.
12. An act incorporating the German Benevolent Society of Louisville, Kentucky.
13. An act divorcing sundry persons.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 4th, 5th, 6th, 7th, 8th, 9th and 12th were referred to the committee on the Judiciary; the 2d to the committee on Education; the 3d to the committee on Internal Improvement; the 10th and 11th to the committee on Propositions and Grievances; and the 13th to the committee on Religion.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend the execution laws, reported the same with the opinion of the committee that it ought not to pass; and said bill was made the special order of the day for Thursday next, the 2d of February.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act concerning the Simpson Circuit Court.

An act authorizing the Trustees of the town of Shelbyville to sell and convey certain ground in said town.

An act to amend the charter of Bardstown.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act for the benefit of the heirs of Joshua Evans, deceased.

An act for the benefit of the United Baptist Church at Walton's Creek, in Ohio county.

Reported the same with an amendment to each, which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill allowing an additional Justice of the Peace to the county of Hardin, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, reported a bill granting John Trimble a change of venue, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in Letcher county, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James H. Armstrong, reported the same with the opinion of the committee that it ought not to pass.

On the motion of Mr. James, the further consideration of said bill was unanimously postponed until the first day of June next.

Mr. Dyer, from the committee on the Sinking Fund, reported a bill to amend an act, entitled, an act for the benefit of David A. Sayre, approved

February 24th, 1842, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson presented the petition of Bernard F. Rogers, praying for the passage of a law authorizing a change of venue in a chancery suit now pending in the Woodford Circuit Court, wherein Benedict Thomas and wife are complainants, and Joseph Rogers' executors, &c. are defendants, which was received and referred to the committee on the Judiciary.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Hardin—1. A bill to legalize the sale of the Trustees of the town of Lebanon of a part of Mulberry street, heretofore made to R. H. Rountree, and for other purposes.

On the motion of Mr. Boyd—2. A bill to amend the law in relation to Internal Improvements in Calloway county.

On the motion of Mr. M. Williams—3. A bill to regulate the fees of Constables.

The committee on the Judiciary was directed to prepare and bring in the 1st and 3d, and the committee on Internal Improvement the 2d.

On the motion of Mr. Loving,

Resolved, That the Board of Internal Improvement report to the Senate the exact cost of the Kentucky river navigation, and the Green and Barren river navigation, each separately, including the amount now due and the amount required to complete each line, and excluding the various sums expended on tributary streams, or above slackwater point, and excluding the amounts expended for water power.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Huston in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Huston reported that the committee had, according to order, had under consideration a bill to amend the law establishing Common Schools in this Commonwealth, to them referred, and had made some progress therein, but not having time to go through with the same, had directed him to ask for leave to sit again—which leave was granted.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 1, 1843.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz :

An act for the benefit of the Sheriff of Henry county.

An act for the benefit of Henry S. Powers, late Sheriff of Fleming county.

That they had passed bills of the following titles, to-wit:

1. An act for the benefit of bona fide occupants of land.

2. An act to amend the law prohibiting the importation of slaves.

3. An act for the benefit of Thomas D. Wooten.

4. An act more effectually to protect the rights of married women, abandoned by their husbands.

5. An act for the benefit of the surviving executor of Brumfield Long, deceased.

6. An act to authorize the sale of a slave belonging to Thomas H. Miles, an infant.

7. An act to authorize the sale of a slave belonging to H. G. V. Wintersmith, an infant.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st, 3d, 4th, 5th 6th and 7th were referred to the committee on the Judiciary, and the 2d to a committee of the whole House on the state of the Commonwealth, and made the order of the day for to-day.

1. Mr. Griffith presented the remonstrance of sundry citizens of Daviess county against the formation of a new county out of a part of said county, and parts of Ohio and Muhlenburg counties.

2. Mr. J. S. Morgan presented the petition of Lewis V. Wernwag, praying for the passage of a law making him an allowance for losses sustained in the erection of a bridge across the Kentucky river, on the Danville, Lancaster and Nicholasville turnpike road.

Which were received and referred: the 1st to the committee on Propositions and Grievances, and the 2d to the committee on Internal Improvement.

A bill to establish the county of McLean was taken up and referred to the committee on Propositions and Grievances.

A message, in writing, was received from the Governor by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate :

I nominate for your advice and consent, the following persons for the offices annexed to their respective names, in the Louisville Legion:

Jason Rogers to be Colonel, in the place of Thomas Anderson, resigned.

Humphrey Marshall to be Lieutenant Colonel, in the place of Jason Rogers, if promoted.

Stephen Ormsby, Jr. to be Major, in the place of Humphrey Marshall, if promoted.

R. P. LETCHER.

February 1, 1843.

Resolved, That the Senate advise and consent to the said appointments

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend an act, entitled, an act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattos and Indians, approved January 25th, 1842.

An act granting a change of venue to Edmund F. Smith.

An act incorporating the German Benevolent Society of Louisville, Kentucky.

An act authorizing a sale of the poor house of Harrison county, and the land attached thereto, and for other purposes.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

1. An act for the benefit of the heirs of James B. Ervers.

2. An act to extend the jurisdiction of the Police Judge and Town Marshall of Lancaster.

3. An act to define the duties of Coroners, and for other purposes.

Reported the same with the opinion of the committee that they ought not to pass.

The third bill was placed in the orders of the day.

The question being taken on reading the 1st and 2d bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Pirtle, from the same committee, reported a bill legalizing the sale by the Trustees of the town of Lebanon, of a part of Mulberry street to R. H. Rountree, and vesting them with power to convey the same by deed, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law in relation to Constables in Nicholas county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, reported a bill authorizing the County Court of Green county to establish a ferry at Barnett's ford, on Green river, if they shall deem it expedient for the public interest, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was ordered to be engrossed and read a third time.

Mr. Wallace, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, to-wit :

1. An act to extend the law concerning private passways.
2. An act to amend an act, entitled, an act to establish a State road from the Ohio river to Albany, in Clinton county, and for other purposes.

Reported the same without amendment.

The 1st bill was placed in the orders of the day, and the 2d was ordered to be read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McAfee, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the erection of a new Seminary of learning in the town of Falmouth, in Pendleton county, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Slaughter from the committee on Agriculture, reported a bill to amend an act, entitled, an act to regulate the guaging of spirituous liquors

in this Commonwealth, approved January 5, 1837, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Palmer, the committee appointed on behalf of the Senate to consider the petition of Ernst Heeringen, relative to the Milk Sickness, were discharged from the further consideration of said petition.

On the motion of Mr. Loving, leave was given to withdraw the petition and accompanying documents of Mrs. Juliet Henry, presented at the last session of the Legislature.

1. Mr. Pirtle presented the remonstrance of sundry citizens of Louisville, against a repeal of the law establishing a Salt Inspection in said city.

2. Mr. Pirtle presented the remonstrance of sundry citizens of Louisville, against the passage of a law repealing the act creating the Louisville Legion.

Which were received and referred: the 1st to the committee on Agriculture and the 2d to the committee on Military Affairs.

On the motion of Mr. Drake, leave was given to bring in a bill for the benefit of James Hughes, to allow him to sell or exchange a slave, and the committee on the Judiciary were directed to prepare and bring in the same.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to-wit:

An act to provide for the re-location of the seat of justice of Marshall county.

An act for the benefit of certain Sheriffs.

An act to authorize the First Baptist Church in Danville, to sell and convey three-fourths of an acre of land in said town.

An act to change the places of voting in election precincts in Graves and Jefferson counties.

An act for the benefit of William R. Payne, administrator of Edward Payne, deceased, late Sheriff of Christian county.

An act granting a change of venue to William Durmitt.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

On the motion of Mr. Conner, leave was given to withdraw the petition of Nancy Skeans, praying for a divorce.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Huston in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Huston reported that the committee had, according to order, had under consideration a bill to amend the law establishing Common Schools in this Commonwealth, and had made progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

On the motion of Mr. J. S. Morgan, leave was given to bring in a bill for the benefit of the Sheriff of Nicholas county, and the committee on Finance was directed to prepare and bring in the same.

And then the Senate adjourned.

THURSDAY, FEBRUARY 2, 1843.

The Speaker laid before the Senate the following report of the Agent of the Old Bank of Kentucky, to-wit:

OLD BANK OF KENTUCKY,
January 27th 1843.}

SIR:

Having been appointed Agent in 1836, for the purpose of closing the concerns of this Institution, the following statement is herewith made for the information of the Legislature:

Debts now due the Institution, \$285,196 77; of this sum not more than \$7 or 8,000 will probably be collected—the balance may be considered as lost.

The nominal amount of real estate is \$186,264 71. The value of that now remaining is about \$2,000—the remainder has been the loss sustained upon property purchased and received in payment of debts, and heretofore sold.

Notes now in circulation \$30,431. It is probable that not more than \$30 will ever be presented for payment, \$35 only having been redeemed within the last two years.

Since my appointment as Agent, I have paid into the Treasury upon the States' stock, the sum of \$28,618 50, and will pay the present year, and in time to meet the interest on the public debt, the further sum of \$4,000.

At the session of 1834-5, the President and Cashier, then in office, made an estimate for the use of the committee of the Senate, of the probable amount which would ultimately be received by the State. I have already exceeded that estimate by \$8,653 50. The State will therefore receive more than \$12,000 over the estimated value of her stock in 1835.

Within the last two years, I have found it difficult to make collections without producing great distress, and have, in some cases, purchased real estate under execution, subject to redemption. My collections for the last year only amount to about \$2,000.

There are five or six contested suits now depending, which I expected to have closed during the last year, either by compromise or judgment, but was not able to succeed. They will receive all necessary attention the present year.

The expenses of the Institution, exclusive of my commissions for collection, and which is the only compensation received, will be less than \$200 per annum.

Very respectfully,

H. BLANTON, *Agent.*

Hon. M. V. THOMSON,
Speaker of the Senate.

1. Mr. McElroy presented the petition of Arena W. Evans, praying for a divorce from her husband, James M. Evans.

2. Mr. Wallace presented the remonstrance of the officers of the 1st and 132d Regiment of the 29th Brigade of Kentucky Militia, against the organization of the Louisville Legion.

Which were received and referred: the 1st to the committee on Religion, and the 2d to the committee on Military Affairs.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act more effectually to protect the rights of married women, abandoned by their husbands.

An act for the benefit of the surviving executor of Brumfield Long, deceased.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to authorize the sale of a slave belonging to H. G. V. Winter-smith, an infant.

An act to authorize the sale of a slave belonging to Thomas H. Miles, an infant.

An act for the benefit of Thomas D. Wooten.

Reported the same with the opinion that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill for the benefit of James Hughes, to allow him to sell or exchange a slave; and also from the further consideration of the petition of James S. Prather, and others, to them referred; and leave was given to withdraw the latter petition and accompanying papers.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles to-wit:

1. An act to change the boundaries of the Germantown election precinct, in the county of Mason.
2. An act changing the time of holding the Boyle Circuit and County Courts, and for other purposes.

Reported the same without amendment.

The second bill was referred to the committee on the Judiciary, and the first was ordered to be read a third time.

The constitutional rule as to the third reading of the first bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to legalize the votes given in the counties of Cumberland and Clinton at the election of 1842, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

On the motion of Mr. Huston, the vote disagreeing to the said bill was re-considered.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Stevens, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, to-wit:

By Mr. Pirtle, from the committee on the Judiciary—1. A bill further to amend the law authorizing the sale of infants' real estate and slaves.

2. A bill better to establish the Fire Department of the city of Louisville.

By Mr. Young, from the committee on Religion—3. A bill for the benefit of Andrew Livingston.

By Mr. J. S. Morgan, from the committee on Internal Improvement—

4. A bill to amend the law in relation to Internal Improvements in Calloway county.

By Mr. Jesup, from the committee on Military Affairs—5. A bill for the benefit of John W. Finnell, and his securities.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 2d, 3d and 5th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, reported a bill to amend an act, entitled, an act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

The question was taken on engrossing the said bill and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Griffith, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hanson,	Pirtle,
Bennett,	Huston,	Sterett,
Boyd,	Jesup,	Wallace,
Chenault,	Loving,	Walker,
Conner,	McElroy,	Williams, M.
Conway,	Morgan, D.	Williams, S. L.
Drake,	Morgan, J. S.	Woodson,
Dyer,	Palmer,	Young—26.
Griffith,	Payne,	

Those who voted in the negative, were—

Messrs. Garth,	McAfee,	Newell—4.
Johnson,		

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

EB. 2.
urther
es.
sville.
enefit
ent—
loway
or the
ead a
g dis-
h bills
be as
oil to
raise
h was
,
it a
riffith,
L.
ensed

FEB. 2.]

JOURNAL OF THE SENATE.

163

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The Speaker laid before the Senate the following communication from the Governor, to-wit:

Gentlemen of the Senate:

I have received from the Governor of Georgia, copies of preambles and resolutions, adopted by the Legislature of that State, respecting the doctrine of repudiation of their debts by the States of the union, and the assumption of the debts of the States by the General Government; and also upon the subject of the imprisonment of free negroes under the laws of those States, which forbid the ingress of such persons within their borders, which I transmit, herewith, to the Senate.

R. P. LETCHER.

February 1, 1843.

EXECUTIVE DEPARTMENT,
Milledgeville, 17th January, 1843.

SIR:

I have the honor to transmit to you, copies of preambles and resolutions, adopted by the Legislature of Georgia at its recent session, respecting the doctrine of repudiation of their debts by the States of the union, and the assumption of the debts of the States by the General Government; and also responsive to certain resolves of the Commonwealth of Massachusetts against the imprisonment of free negroes under the laws of those States which forbid the ingress of such persons within their borders.

I have the honor to be,

Your obedient servant,

CHARLES J. McDONALD.

His EXCELLENCE, R. P. LETCHER,
Governor of Kentucky.

IN SENATE.

The committee on the State of the Republic, to whom was referred the preamble and resolutions of the State of Kentucky against the doctrine of repudiation of State debts, cannot suffer the occasion to pass without expressing our entire acquiescence in those resolutions, and their decided abhorrence of the odious doctrine of repudiation as immoral and subversive of the very foundation of civilized society. If the Constitution of the United States has closed the doors of the Courts of Justice against creditors of the several States, the obligation to meet all our engagements, becomes the stronger and more binding. We have placed this barrier beyond which the creditor cannot pass; and to avail ourselves of it, to defeat the claims of others, is alike unjust and dishonest. Nor is the case at all changed, or the obligation

lessened, if the borrowed money has been misapplied, and the State defrauded and deceived by its own agents. The State was in fault in appointing unfit or dishonest agents, and it should bear the consequences.

It is a beautiful feature in our government, and strongly illustrative of that high-toned moral feeling which characterized the Fathers of the Revolution; that so far from repudiating their debts, they incorporated the obligation to pay into the very charter of our national existence. This spirit should animate their descendants.

Be it therefore resolved by the Senate and House of Representatives of the State of Georgia, That they view with horror, this novel and dishonest doctrine of repudiation, as a stain upon the escutcheon of this country, and can never recognize its validity.

Be it further resolved, That there is a moral obligation upon every Government to discharge its pecuniary obligations, and any State refusing to do so, or to provide the means of payment, is false to the principles of common honesty and an enlightened civilization, and is unworthy of the confidence of its sister States.

Be it further resolved, That whilst we entertain these opinions, we would embrace this opportunity in advance, to express our unqualified disapprobation of any assumption of State debts by the General Government, and to enter our solemn protest against the same, as unjust and unequal; a dangerous usurpation of power, and a violation of the spirit of the Federal Compact.

Be it further resolved, That his Excellency, the Governor, be requested to forward copies of the above preamble and resolutions to the President of the United States, and to the Governors of the several States of this Confederacy.

In Senate, agreed to December 24th, 1842.

ROBERT M. ECHOLS,
President of the Senate.

(Attest,) JAMES JACKSON, *Secretary.*

In House of Representatives, concurred in Dec. 26th, 1842.

WILLIAM B. WOFFORD,
Speaker of the House of Rep.

(Attest,) JOHN H. DYSON, *Clerk H. R.*

Approved 28th December, 1842,
CHARLES J. McDONALD, *Governor.*

IN SENATE.

The committee on the State of the Republic, to whom was referred the various resolutions from other States, beg leave to report:

That among the resolutions transmitted by his Excellency, the Governor, are certain resolves of the Commonwealth of Massachusetts, against the imprisonment of free negroes, under the laws of those States which forbid the ingress of such persons within their borders.

Your committee would have passed by these resolutions, unnoticed, as the sickly effusions of a wild and reckless fanaticism, had they not pronounced such a law a gross violation of the Federal Constitution.

Georgia has such a law on her Statute Book; and we deem it our duty to repel the charge as unfounded in truth, and as manifesting a spirit which, if not rebuked and checked, will, sooner or later, destroy our Institutions and dissolve our Union. No State has a legal or moral right to interfere with the domestic policy or internal regulations of a sister State. Georgia has never rebuked Massachusetts for fraternizing with negroes, nor held her up to the reprobation of the States of this Union, for her violations of the Charter of Confederacy, by proclaiming those citizens, who were not so at the time of the adoption of the Federal Constitution; thereby attempting to add to that sacred instrument, and thus violating the letters and spirit of the Compact.

If your committee had no other lights to guide them, than those furnished by the Constitution, they would be at a loss to ascertain what clause is referred to by the Legislature of Massachusetts, as being violated by the law above alluded to; but we are constrained to suppose that this bold assertion is based upon that section which grants to the citizens of each State, all the privileges of citizens in the several States. The meaning of this article is two plain for cavil; and could only have been intended to guarantee to the citizens of any one State the privileges to which citizens of other States were entitled—or in other words, admitting negroes to be citizens under the Constitution, (which is utterly denied.) Georgia would have no right to exclude the black citizens of Massachusetts from privileges granted to the black citizens of Maine or New York. It is an universal rule of construction, that terms used in Statutes, are to be construed according to the generally received import; and this rule applies with great force to the Constitution of the United States, were negroes or persons of color, regarded as citizens at the time of the adoption of the Federal Constitution? They were not; and the term citizen, as used in that instrument, can only refer to those who were embraced in its definition at the time of its adoption. But upon this subject, Georgia will not condescend to argue; she will adopt the language of Massachusetts, in her remonstrance against the embargo, and say, "that the people of this country are not accustomed to class among their rights, such enjoyments and privileges as depend on the will of any set of men whatever; under such circumstances, they would cease to be the rights of a free people."

Be it therefore resolved, That negroes, or persons of color, are not citizens, under the Constitution of the United States; and that Georgia will never recognize such citizenship.

Be it further resolved, That his Excellency, the Governor, transmit a copy of the above preamble and resolutions to the Governors of the several States of this Confederacy.

In Senate, agreed to unanimously, December 24th, 1842.

ROBERT M. ECHOLS,
President of the Senate.

(Attest,) JAMES JACKSON, *Secretary.*

In House of Representatives, concurred in Dec. 26th, 1842.

WILLIAM B. WOFFORD,
Speaker of the House of Rep.

(Attest,) JOHN H. DYSON, *Clerk H. R.*

Approved 28th December, 1842.

CHARLES J. McDONALD, *Governor.*

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, *to-wit*:

Gentlemen of the Senate:

I nominate for your advice and consent, Joshua F. Bell to be Commonwealth's Attorney for the 12th Judicial District, in the place of Fountaine T. Fox, resigned.

R. P. LETCHER.

February 2, 1843.

Resolved, That the Senate advise and consent to the said appointment.

Mr. Bennett moved to re-consider the vote by which a bill from the House of Representatives, entitled, an act for the benefit of James H. Armstrong was postponed until the first day of June next. Mr. Bennett presented a communication from the said Armstrong, which was read.

The question was taken on re-considering the said vote, and it was decided in the negative unanimously.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Huston in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Huston reported that the committee had, according to order, had under consideration a bill to amend the law establishing Common Schools in this Commonwealth, to them referred, and had made further progress therein, but not having time to go through with the same, had directed him to ask for leave to sit again—which leave was granted.

Leave was given to bring in the following bills, *to-wit*:

On the motion of Mr. Garth—1. A bill for the benefit of John Leathers, of Pulaski county.

On the motion of Mr. Conner—2. A bill for the benefit of the Sheriff of Carter county.

On the motion of Mr. Bailey—3. A bill for the benefit of the Sheriff of Rockcastle county.

Messrs. Garth, James and J. S. Morgan were appointed a committee to prepare and bring in the 1st, and the committee on Finance was directed to prepare and bring in the 2d and 3d.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled preamble and resolutions and enrolled bills, which originated in the Senate of the following titles, and had found the same truly enrolled, *viz*:

Preamble and resolutions relative to the removal of obstructions to the

navigation of the Ohio, Missouri and Mississippi rivers, and the establishment of Marine Hospitals on said rivers.

An act for relief the of Eleanor Morton and her children.

An act for the benefit of Ann Eliza Page.

An act confirming the acts of the Surveyor of Floyd county.

An act to punish cheats and false personations of others.

An act for the benefit of Thomas S. Burton, of Allen county.

An act to incorporate the Ohio and Muhlenburg Iron Manufacturing Company.

An act for the benefit of certain citizens of the town of Midway.

An act to establish an election precinct in Breckinridge county, and for other purposes.

An act for the benefit of Henry S. Powers, late Sheriff of Fleming county.

An act for the benefit of the Sheriff of Henry county.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

And then the Senate adjourned.

FRIDAY, FEBRUARY 3, 1843.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz :

An act for the benefit of James M. Rice.

An act allowing an additional Justice of the Peace to the county of Hardin.

That they had disagreed to the amendments proposed by the Senate to a bill from that House, entitled, an act to reduce the number of Constables in the county of Mercer, and for other purposes.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to-wit:

An act to authorize a sale of the real estate of Charles McDowell, dec'd.

An act to amend the law relative to Coroners.

An act for the benefit of Harrison Brown.

An act for the benefit of Charlotte Mount.

An act to incorporate the Trustees of the Old Side Presbyterian Church, in Simpson county.

An act to amend an act, entitled, an act to provide for binding out poor free children of colour, approved 21st December, 1825.

An act to establish an election precinct in the county of Morgan, and for other purposes.

An act for the benefit of Jacob Mayo.

An act to amend an act establishing Fire Companies in the city of Lexington.

An act for the benefit of the heirs of Joshua Evans, deceased.

An act for the benefit of the United Baptist Church at Walton's creek, in Ohio county.

An act for the benefit of Thomas Allin, Clerk of the Mercer County Court.

With an amendment to the amendment to the last named bill.

That they had received official information that the Governor had approved and signed enrolled bills which originated in the House of Representatives of the following titles, to-wit:

An act to provide for the re-location of the seat of justice of Marshall county.

An act for the benefit of certain Sheriffs.

An act to change the places of voting in election precincts in Graves and Jefferson counties.

An act for the benefit of William R. Payne, administrator of Edward Payne, deceased, late Sheriff of Christian county.

An act granting a change of venue to William Durmitt.

An act to authorize the First Baptist Church in Danville, to sell and convey three-fourths of an acre of land in said town.

Approved February 1, 1843.

That they had passed bills of the following titles, to-wit:

An act for the benefit of James Quiett, and others.

An act for the benefit of James Taggart, Sheriff of Muhlenburg county.

1. Mr. James presented the memorial of Jacob Lewis, relative to the manufacture of queensware in Kentucky.

2. Mr. Payne presented the petition of John Tilford, praying for the passage of a law to compensate him for services rendered and expenses incurred in making sale of State bonds in the eastern cities, in the year 1836.

3. Mr. Alexander presented the petition of the County Court of Cumberland county, praying for the passage of a law authorizing the Clerk of said court to have certain records in his office transcribed.

4. Mr. Pirtle presented an Essay from Robert G. Carter, on the subject of raising the oyster in this State.

5. Mr. J. S. Morgan presented the remonstrance of sundry citizens of Letcher county, against the passage of a law allowing John Candle to erect a gate across a public road in said county.

Which were received and referred: the 1st to the committee on Finance; the 2d and 3d to the committee on the Judiciary; the 4th to the committee on Agriculture; and the 5th to the committee on Internal Improvement.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of bona fide occupants of land, reported the same with the opinion of the committee that it ought not to pass, and the said bill was placed in the orders of the day.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the town of Smithland, and for other purposes, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act allowing Henry Browning a change of venue, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, reported a bill concerning certain law books, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill to establish the county of McLean, reported the same. It is as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of May next, all those parts of Muhlenburg, Ohio and Daviess counties, included within the following boundary, viz: beginning on Green river at the mouth of the thoroughfare branch, thence running up the same to the mouth of Big creek; thence up said creek to the point where the road from Rumsey to Greenville crosses the same; thence a direct line to the head of the island in Pond river at the Horse

Shoe Bend; thence down Pond river and Green river to the mouth of Delaware creek; thence a direct line to the road from Rumsey to Owensboro', where a branch of a creek crosses the same, near the residence of Daniel Humphrey; thence a direct line to the Daviess and Ohio county line, where the Hurman's ferry road crosses the same, near the residence of Samuel Rogers; thence a direct line to Rough creek, so as to include the place lately occupied by Henry Taylor; thence down said creek to the mouth; and thence up Green river to the place of beginning, shall be, and the same is hereby, erected into a distinct county, to be called McLean, in honor of the honorable Alney McLean.

SEC. 2. That the county of McLean shall be entitled to ten Justices of the Peace, who, after having been commissioned and sworn as the law directs, shall, on the first Monday in May next, meet at the Meeting House in Rumsey, and having qualified their Sheriff, they shall proceed to appoint a Clerk of the County Court of McLean, to whose appointment however, a majority of all the Justices in commission in and for said county, shall concur; but if such majority cannot be had in favor of any one person, then the County Court of McLean county may appoint a Clerk, *pro. tem.* until a majority of said court shall concur in an appointment of Clerk.

SEC. 3. That the County and Circuit Courts of Muhlenburg, Daviess and Ohio counties, and the Justices of the Peace thereof, shall have jurisdiction in law and in equity, in all cases, before this act takes effect, in the respective parts of said counties in which such cases may arise; and it shall be lawful for the Sheriffs, Constables and Collectors in said counties, to collect all county levies and revenue tax, and all money, and execute all process as the law directs, which may be in their hands at the time when this act takes effect, and account for the same according to law.

SEC. 4. That the County Court of McLean, shall lay off said county so soon as this act takes effect, into four Constable's districts, and shall appoint five Constables, two of whom shall reside in the Rumsey district; and in the appointment of Constables and other county officers, shall be governed by the general laws on those subjects.

SEC. 5. That the County Court of McLean county, shall appoint Commissioners of tax for the year 1843, who shall be governed by the laws which may be in force on that subject.

SEC. 6. That the qualified voters in said county of McLean, shall vote at all elections held for Senators and Representatives in the State Legislature, for members of Congress, and all other officers, in the same manner and at the same places in said county they now do in their respective counties, as they did before the passage of this act; and the Sheriffs of said county of McLean shall compare the polls of said elections as now prescribed by law.

SEC. 7. That the County Court of McLean, shall be held on the first Monday in each and every month, except the months in which the Circuit Court is held.

SEC. 8. That Peter Shaver and Benjamin Johnson shall be, and they are hereby, appointed Commissioners, with such assistants as they may deem necessary to employ, to run and mark the boundary line of said county, who shall be allowed, each, two dollars per day while engaged in the same, and one dollar per day shall be allowed to each of the persons engaged in assisting them; and the County Court of said county shall, in making their county levy, provide for the payment thereof.

FEB. 2.]

JOURNAL OF THE SENATE.

171

Sec. 9. That the seat of justice for said county shall be fixed in the town of Rumsey: *Provided*, That the citizens in the new county on the south side of Green river, will erect good and permanent public buildings, such as the County Court shall direct; but in case of failure by them to erect said public buildings, or furnish to the County Court the funds for that purpose within five years from the first day of May next, then in that case the citizens in said county, on the north side of said river, may erect said public buildings at such place as they may select near Green river, in a reasonable time thereafter, to be fixed by the County Court, which shall be the permanent seat of justice for said county; and until the public buildings are erected, it shall be the duty of the County Court, at the expense of the county, to select and procure some suitable house in which the County and Circuit Courts for said county may be held, until the Court House shall be completed and prepared for use.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Sterett and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Dyer,	Loving,	Williams, M.
Hanson,	Newell,	Woodson—8
Hughes,	Walker,	

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Palmer,
Bailey,	Huston,	Payne,
Bennett,	James,	Pirtle,
Boyd,	Jesup,	Rodes,
Chenault,	Johnson,	Slaughter,
Conner,	McAfee,	Sterett,
Drake,	McElroy,	Wallace,
Garth,	Morgan, D.	Williams, S. L.
Griffith,	Morgan, J. S.	Young—27.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills and enrolled preamble and resolutions which originated in the Senate, of the following titles, viz:

An act for the benefit of Thomas S. Burton, of Allen county.

An act to incorporate the Ohio and Muhlenburg Iron Manufacturing Company.

An act for the benefit of Henry S. Powers, late Sheriff of Fleming county.

An act for the benefit of the Sheriff of Henry county.

An act to establish an election precinct in Breckinridge county, and for other purposes.

An act for the benefit of certain citizens of the town of Midway.

An act for the benefit of Ann Eliza Page.

An act confirming the acts of the Surveyor of Floyd county.

An act to punish cheats and false personations of others.

An act for the relief of Eleanor Morton and her children.

Preamble and resolutions relative to the removal of obstructions to the navigation of the Ohio, Missouri and Mississippi rivers, and the establishment of Marine Hospitals on said rivers.

Approved February 3, 1843.

On the motion of Mr. McAfee, the committee of the whole House was discharged from the further consideration of a bill to amend the laws establishing Common Schools in this Commonwealth, and the said bill was referred to the committee on Education.

Leave having been given, the following bills were reported, to-wit:

By Mr. Hanson—A bill to enforce the service of certain process against absconding and fraudulent debtors.

By Mr. Newell—A bill concerning the fund bequeathed to the Harrison County Court by the last will of Henry C. Moore, deceased.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

And then the Senate adjourned.

SATURDAY, FEBRUARY 4, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

An act for the benefit of James R. McDonough.

An act to improve the State road from Williamsburg to London, in Whitley and Laurel counties.

An act for the benefit of sundry citizens of Pike county, and for other purposes.

1. Mr. Johnson presented the memorial of Mrs. Hannah Price, relative to the injury done to her property in the town of Frankfort, by the formation of an embankment of the Lexington and Ohio Railroad.

2. Mr. McElroy presented the remonstrance of John U. Waring, against the petition of his wife, Mariam Waring, praying for a divorce.

Which were received and referred: the 1st to the committee on Internal Improvement, and the 2d to the committee on Religion.

Mr. J. S. Morgan, from the joint committee on Banks, made the following report, to-wit:

The joint committee on Banks, charged by a resolution of the House of Representatives, to inquire the terms upon which suitable and appropriate apartments for the accommodation of the Legislature, and offices necessary at the seat of government, could be procured in the City of Louisville, have the honor to submit the following report to the General Assembly:

Upon the arrival of your committee at the City of Louisville, the resolution of the House of Representatives, directing the committee on Banks also to inquire the terms upon which the appropriate apartments for the accommodation of the Legislature, and other offices necessary at the seat of government, could be furnished in the City of Louisville, was communicated to the Mayor of said City. Your committee was afterwards waited upon by the Mayor and Councilmen of Louisville, and conversed with those gentlemen touching the subject matter of the inquiry proposed by the resolution of the House of Representatives.

The Mayor and Council having deliberated on the subject of the resolution, invited the joint committee on Banks to visit the building between fifth and sixth streets in said City, known as the New Court House, and to judge of the fitness of said building for the accommodation of the General Assembly of this Commonwealth, and the offices necessary at the seat of government. Your committee were shown, by the Mayor of the City, through the various apartments of a vast and magnificent edifice, capable of furnishing accommodations to the Legislature, to all the Courts, and to every officer necessary at the seat of government. The design of the Architect is not known to your committee; but had the building been reared from its foundation, with the intent to combine elegant and spacious accommodation for the Legislature, safety to the archives of the government, and convenience of approach to the offices, in the opinion of your committee, the object would have been fully accomplished in the erection of the Court House at Louisville. Your committee, after a personal inspection of the premises, were satisfied that the building would afford apartments sufficient for all the public offices, and Halls for the Senate and House of Representatives, a Library and Committee rooms conveniently situated to each other. The building is so constructed that the two lower stories are fire proof, and would afford places of deposit for the public records and papers of absolute and entire safety.

Your committee having examined the building, received from the Mayor and Councilmen of Louisville, assurances of the great pleasure it would afford them and the people of their City, to accommodate the officers of government, and that they would formally appoint a committee to correspond with the joint committee on Banks upon the subject matter embraced by the resolution of the House of Representatives. Your committee have been addressed by the committee authorized by the Mayor and Council to act on their behalf, and present, herewith, the following communication for the con-

sideration of the General Assembly, embracing, as the committee conceive, the subjects proposed by the resolution of the House. The committee of the Mayor and Councilmen of Louisville, desirous of affording all the information necessary, and clothed with the powers to act in behalf of the City of Louisville, have attended at the seat of government, with plans, exhibits, and details, ready to furnish such information as may be desired in reference to the subject embraced by the resolution of the House. Your committee having discharged their duty, refrain from any suggestions upon the occasion naturally arising from the propositions they have presented, as coming from the City of Louisville, but yield the subject to the enlightened consideration it will no doubt receive from the General Assembly.

All which is respectfully submitted.

JOHN S. MORGAN, *Ch. C. S.*

DANL. MORGAN,

J. CAMPBELL, *Ch. C. H.*

W. C. MARSHALL,

SHELBY STONE.

The undersigned, committee appointed by the Mayor and Council of the City of Louisville, to confer with the joint committee on Banks, who are charged, by a resolution of the House of Representatives, with an inquiry as to the terms on which suitable apartments can be procured in the City of Louisville, for the accommodation of the Legislature, the courts, and the offices necessary at the seat of the Government, have the honor to submit the following report:

That they are authorized by the Mayor and Council to say, that in the event the seat of government shall be removed, by an act of the present General Assembly, from Frankfort to the City of Louisville, they are willing, on or before the first of December next, to finish, in a suitable and appropriate style, at the exclusive charge of the City, all of the unfinished apartments necessary for the accommodation of the Legislature, the Courts, and the offices at the seat of government, in the stone edifice known as the New Court House, situated on Jefferson street, between fifth and sixth streets, and cause to be made to the State of Kentucky, a clear and unencumbered conveyance to the grounds on which said edifice is erected, with a proviso, that if the seat of government shall ever be removed from the City of Louisville, the title to said ground, and the improvements thereon, shall revert to, and be vested in the City of Louisville and the county of Jefferson, in the proportions now held by them.

The undersigned are prepared with drawings, exhibiting the dimensions, the relative positions of the different apartments in the buildings, to afford the committee and the members of the Legislature, all the information requisite to a proper understanding of the appropriateness of the building, for the purposes contemplated.

They are also prepared to show, that the grounds and the building pro-

posed to be ceded, have already cost the City of Louisville and county of Jefferson, three hundred and fifty nine thousand dollars.

All of which is most respectfully reported.

L. L. SHREVE,
D. MERIWETHER,
GEO. B. DIDLAKE,
W. J. GRAVES,
HUMPHREY MARSHALL.

Committee on the part of the Mayor and Council of the City of Louisville.

Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

Mr. J. S. Morgan, from the joint committee on Banks, reported a bill to remove the seat of Government of the Commonwealth of Kentucky, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was made the special order of the day for Friday next, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

The following bills were reported from the committee on Religion, viz:

By Mr. Young—A bill for the benefit of Arena W. Evans.

A bill to divorce Mary Roney, of Warren county.

By Mr. Rodes—A bill for the benefit of Deborah Chamberlain.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of certain Sheriffs, reported the same without amendment.

The said bill was re-committed to the committee on Finance.

After some time, Mr. Newell, from the committee of Finance, reported the said bill without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Coonrod Havens, reported the same with amendments, which were concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended, by adding thereto, "and Sally Gustin."

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of James Quiett, and others.

An act for the benefit of James Taggart, Sheriff of Muhlenburg county.

Were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on Finance.

Mr. McAfee, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Estill Seminary, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. McAfee, from the committee on Education, to whom was referred a bill to amend the law establishing Common Schools in this Commonwealth, reported the same with amendments, which were concurred in.

The said bill was further amended to read as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the School Commissioners, for the several counties in this State, to proceed, without delay, to lay off the necessary number of School Districts, in their respective counties, and so alter or modify the same, as the necessity of the case may require, and report the same to the Superintendent of Common Schools, or the Board of Education, as soon thereafter as the same may be completed, together with all districts which may, from time to time, be regularly organized under the existing laws.

Sec. 2. *Be it further enacted*, That it shall be the duty of the respective School Commissioners, to make, or cause to be made, their several school reports, now required by law, to the Superintendent of Common Schools, or the Board of Education, on or before the first day of December, annually, who shall report the same, in a statistical form, to the Legislature; and to enable the School Commissioners and Superintendent to discharge this duty, the Trustees of the several School Districts shall, by themselves or their Clerk, report the number of children within their district, and the time a school has been taught within the same during the year—which report shall be made to the said School Commissioners on or before the first day of November in each year.

Sec. 3. That the several County Courts in this State be, and they are hereby, constituted a body corporate, with power to appoint a county Treasurer, who shall be required, from time to time, to give bond and approved security, in such reasonable penalty as they may require, and to renew the same as often as they may think proper, who is hereby authorized to receive or sue for, in the name of the County Court of the county, all sums of mo-

ney or other property, which has heretofore, or shall hereafter be devised, or in any other manner be given by private individuals or corporations, for the benefit of the Common Schools, or any particular district or number of districts, in any county in this State, who shall also be required to loan the same, on safe securities, as often as the same shall become due, and to apply the interest of the same, according to the direction of the donor or testator.

SEC. 4. That hereafter, all sums of money which shall become due from the funds set apart by the State for Common Schools, shall be paid into the Treasury of this State as other revenue, there to be kept and reserved for the benefit of Common Schools; which shall be drawn for by the Superintendent of Common Schools, under the direction of the Board of Education, as the same may be required for distribution to the School Commissioners in the several counties, for the benefit of such districts as may, from time to time, be regularly organized. But in case any surplus may accumulate in the Treasury, from year to year, the Board of Education may vest the same in State bonds, as heretofore provided.

SEC. 5. That hereafter no tax shall be levied by the citizens entitled to vote in any district for Common Schools, unless two-thirds of the voters living within such district shall vote for the same upon due notice as the law requires.

SEC. 6. That any Commissioner who is appointed to take in taxable property, who shall fail or neglect to take a true and correct list of the number of children within his district, in any county in this State, shall be subject to a fine not exceeding twenty dollars, to be deducted from the compensation to be allowed him for his services.

SEC. 7. That for the year 1843, and every year thereafter, the ages of the children, taken in the Commissioners' list, shall be between five and sixteen, and any distribution of the interest of the School Fund, to the several districts, shall be in proportion to the number of children in the district, compared with the whole number of children in the county; and no district shall draw a greater amount, annually, than their just proportion of the interest arising from the School Fund; but each county or district shall be entitled to the amount due them as they may be severally organized, and maintain a school or schools, according to law.

SEC. 8. That so much of any law which requires the citizens of the several School Districts to elect a Clerk and Collector be, and the same is hereby, repealed; and the Trustees in the several districts are hereby authorized and required to appoint their own Clerk, and change the same whenever they may deem it expedient, whose duty it shall be to keep a correct record of the proceedings of said Trustees, and make out the annual report to the School Commissioners as now required by law.

SEC. 9. That the Superintendent of Common Schools be, and he is hereby, authorized to visit the several counties in this State, or as many of them in each year as he conveniently can, and correspond with individuals in such as he cannot visit, so as to enable him to appoint such School Commissioner in each county, as will faithfully attend to the duties required of them by law; and in case any one or more of said Commissioners shall fail or neglect to district their several counties, and report the same to the Superintendent, it shall be his duty to appoint others, and from time to time, renew or change such appointments as to him may seem necessary.

SEC. 10. That the Commissioners of the Sinking Fund be, and they are hereby, required to pay over to the Superintendent of Common Schools, the amount due the several districts which have been already organized and reported by said Superintendent for the years 1841 and 1842, or any other district or districts which may have been fully organized and actually maintained a school for three months during the year 1842, who shall hereafter report the same to the Superintendent, within six months from the passage of this act, who shall distribute the same to the several School Commissioners of said districts according to law.

SEC. 11. That so much of the 5th section of the act "to amend the several laws establishing Common Schools," approved March 1st, 1842, as limits the formation of school districts to three months, or authorizes the School Commissioners of any county where three districts shall go into operation, to draw the whole amount due such county, shall be, and the same is hereby, repealed; and it is hereby declared to be the intention and true meaning of this act, that any one or more school districts in any county in this Commonwealth, who may, by voluntary subscription, or by taxation, as above directed, raise money, or other property, sufficient to maintain a school for at least three months in any one year, and report the same to the Superintendent or Board of Education, shall be entitled to their just proportion of the interest due from the School Fund, which shall be paid as above directed.

SEC. 12. That equal justice may be done to all the citizens in this Commonwealth, it is hereby declared, that the amount due to any county for Common Schools, shall be, and the same is hereby, reserved in the general fund until such county shall, in whole or in part, be districted and organized according to law, and shall not be applied to any other purpose except to increase the general fund.

SEC. 13. That all acts, or parts of acts, which contravenes the provisions of this act, be, and the same are hereby, repealed.

Mr. Hardin moved to amend the said bill by striking out all after the enacting clause, and inserting in lieu thereof, the following, viz:

That no appropriation shall be made out of the proceeds arising from the funds set apart for the purposes of education, until the end of the next Legislature.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and Garth, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander, Boyd, Garth, Hardin,	James, Jesup, Johnson, McElroy,	Sterett, Walker, Young—11.
--	--	----------------------------------

FEB. 4.]

JOURNAL OF THE SENATE.

179

Those who voted in the negative, were—

Messrs. Bailey,	Hanson,	Payne,
Bennett,	Hughes,	Pirtle,
Chenault,	Loving,	Rodes,
Conner,	McAfee,	Slaughter,
Conway,	Morgan, D.	Wallace,
Drake,	Morgan, J. S.	Williams, M.
Dyer,	Newell,	Williams, S. L.
Griffith,	Palmer,	Woodson—24.

Mr. Palmer moved to amend the said bill by adding thereto the following section, viz:

Be it further enacted, That the Superintendent of Public Schools shall, hereafter, be entitled to the sum of \$—— for his services annually; and that so much of the act, passed in 1841, allowing him the sum of \$1,000 is hereby repealed.

Mr. Palmer moved to fill the blank in said amendment with \$750.

Mr. Newell moved to fill the said blank with \$600.

Mr. Drake moved to fill the said blank with \$500.

The question being taken on filling the said blank with \$750, it was decided in the affirmative. The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Drake and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hughes,	Pirtle,
Bennett,	Loving,	Rodes,
Conner,	McAfee,	Wallace,
Dyer,	Morgan, J. S.	Williams, S. L.
Griffith,	Palmer,	Woodson—17.
Hanson,	Payne,	

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Newell,
Boyd,	James,	Sterett,
Chenault,	Jesup,	Walker,
Conway,	Johnson,	Williams, M.
Drake,	McElroy,	Young—17.
Garth,	Morgan, D.	

Mr. Garth moved to amend the said amendment, moved by Mr. Palmer, by substituting in lieu thereof the following, viz:

Be it enacted, That hereafter there shall be no Superintendent of Common Schools.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Garth and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Sterett,
Boyd,	James,	Walker,
Conway,	Johnson,	Williams, M.
Garth,	McElroy,	Young—12.

Those who voted in the negative, were—

Messrs. Bailey,	Hughes,	Payne,
Bennett,	Jesup,	Pirtle,
Chenault,	Loving,	Rodes,
Conner,	McAfee,	Slaughter,
Drake,	Morgan, D.	Wallace,
Dyer,	Morgan, J. S.	Williams, S. L.
Griffith,	Newell,	Woodson—23.
Hanson,	Palmer,	

The amendment moved by Mr. Palmer was then adopted.

The question was taken on engrossing the said bill and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and D. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hughes,	Payne,
Bennett,	James,	Pirtle,
Boyd,	Jesup,	Rodes,
Chenault,	Johnson,	Slaughter,
Conner,	Loving,	Sterett,
Conway,	McAfee,	Wallace,
Drake,	McElroy,	Walker,
Dyer,	Morgan D.	Williams, S. L.
Griffith,	Morgan, J. S.	Woodson.
Hanson,	Newell,	Young—32.
Hardin,	Palmer,	

Those who voted in the negative, were—

Messrs. Alexander,	Garth,	Williams, M—3.
--------------------	--------	----------------

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hughes,	Payne,
Bailey,	James,	Pirtle,
Bennett,	Jesup,	Rodes,
Boyd,	Johnson,	Slaughter,
Chenault,	Loving,	Sterett,
Conner,	McAfee,	Wallace,
Conway,	McElroy,	Walker,
Drake,	Morgan, D.	Williams, M.
Dyer,	Morgan, J. S.	Williams, S. L.
Griffith,	Newell,	Woodson,
Hanson,	Palmer,	Young—34.
Hardin,		

Mr. Garth voted in the negative.

Resolved, That the title of the said bill be as aforesaid.

Mr. Hardin, from the committee on the Judiciary, reported a bill for the benefit of Bernard F. Rodgers, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was placed in the orders of the day.

Mr. Walker moved the following resolution, viz :

Resolved, That the committee on Internal Improvement be instructed to report a bill providing for a final settlement of the accounts of the Green river Commissioners, for the collection of any balance that may be due from said Commissioners, and for allowing them a reasonable compensation for their services.

The said resolution was referred to the committee on Internal Improvement.

Mr. Hanson having obtained leave, reported a bill to enforce the return of executions by Sheriffs and other officers, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. Pirtle read and laid on the table a joint resolution respecting the penal laws.

On the motion of Mr. Woodson,

Resolved, That the Board of Internal Improvement be requested to furnish the Senate with a table, showing the length of each turnpike road in the State in which the State is a stockholder; the amount paid by the State on each road; the costs of each road per mile; the cost of repairs per mile on each road for the year 1842; the amount received by the State in dividends upon each road in the year 1842, and what per cent. each road yielded the State in the year 1842 upon the costs of the same; and in what way each road is managed, whether by the local Boards or by the State Board.

Mr. Newell, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James Quiett, and others, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Griffith, leave was given to bring in a bill for the benefit of Henry J. Eastin; and the committee on Finance was directed to prepare and bring in the same.

Mr. Chenault moved the following resolution, viz:

Resolved by the Senate of Kentucky, That the time of meeting of the Senate shall hereafter be nine o'clock instead of ten, as at present.

And then the Senate adjourned.

MONDAY, FEBRUARY 6, 1843.

Mr. Joseph Gilless, a member of the Senate from the 24th Senatorial District appeared, produced a certificate of his election, and having taken the several oaths required by the Constitution of the United States, and the Constitution of this State, took his seat.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to authorize the County Courts of Calloway and Marshall counties to sell their Seminary lands.

That they had passed a bill, entitled, an act for the benefit of the Sheriffs of Bullitt and Whitley counties.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Finance.

On the motion of Mr. Jesup, the committee on Military Affairs was discharged from the duty of preparing and bringing in a bill to amend the Militia Law of this Commonwealth, and a bill to alter the time of holding the Court of Assessment of the 110th Regiment of Kentucky Militia.

The following bills were reported, to-wit:

By Mr. Pirtle, from the committee on the Judiciary—1. A bill to amend the law concerning persons of unsound mind.

2. A bill to authorize certain record books of the Cumberland County Court to be transcribed.

3. A bill to amend an act to incorporate the Trustees of the Hawesville Seminary.

4. A bill to amend an act to incorporate the Kentucky and Louisville Mutual Insurance Company.

By Mr. J. S. Morgan, from the committee on Internal Improvement—
5. A bill for the benefit of Lewis V. Wernwag.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st, 4th and 5th bills being dispensed with, they were placed in the orders of the day, and the Public Printer was directed to print 150 copies of the 1st bill for the use of the General Assembly.

The constitutional rule as to the second and third readings of the 2d and 3d bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill concerning the fund bequeathed to the Harrison County Court by the last will of Henry C. Moore, deceased, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to-wit :

An act authorizing the Trustees of the town of Shelbyville to sell and convey certain ground in said town.

An act concerning the Simpson Circuit Court.

An act to amend the charter of Bardstown.

An act to abolish an election precinct in Letcher county, and for other purposes.

An act to amend an act, entitled, an act to establish a State road from the Ohio river to Albany, in Clinton county, and for other purposes.

An act to amend the law in relation to Constables in Nicholas county.

An act to amend an act, entitled, an act to amend an act, entitled, an act

to reduce into one the several acts respecting slaves, free negroes, mulattos and Indians, approved January 25, 1842.

An act authorizing a sale of the poor house of Harrison county, and the land attached thereto, and for other purposes.

An act granting a change of venue to Edmund F. Smith.

An act incorporating the German Benevolent Society of Louisville, Kentucky.

An act for the benefit of Harrison Brown.

An act to amend the law relative to Coroners.

An act for the benefit of William Stevens.

An act for the benefit of the surviving executor of Brumfield Long, deceased.

An act to amend an act, entitled, an act to provide for binding out poor free children of colour, approved 21st December, 1825.

An act for the benefit of Jacob Mayo.

An act to establish an election precinct in the county of Morgan, and for other purposes.

An act to amend an act establishing Fire Companies in the city of Lexington.

An act for the benefit of the heirs of Joshua Evans, deceased.

An act for the benefit of the United Baptist Church at Walton's creek, in Ohio county.

An act for the benefit of Charlotte Mount.

An act to incorporate the Trustees of the Old Side Presbyterian Church, in Simpson county.

An act to authorize a sale of the real estate of Charles McDowell, dec'd.

An act to change the Germantown election precinct, in the county of Mason.

An act more effectually to protect the rights of married women, abandoned by their husbands.

An act allowing Henry Browning a change of venue.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

1. Mr. J. S. Morgan presented the petition of sundry citizens of Nicholas county, praying for the passage of a law authorizing the sale of a Methodist Church called Mount Tabor.

2. Mr. J. S. Morgan presented the petition of sundry citizens of the town of Carlisle, praying for the passage of a law extending the limits of said town.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Propositions and Grievances.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Hughes—1. A bill to establish courts for the trial of civil causes in certain cases in the counties of Henry, Oldham and Trimble.

On the motion of Mr. Bailey—2. A bill for the benefit of A. R. McKee, of Garrard county.

On the motion of Mr. Woodson—3. A bill for the benefit of the heirs of Reuben Graves, deceased, of Woodford county.

The committee on the Judiciary was directed to prepare and bring in the 1st and 3d, and the committee on Military Affairs the 2d.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of James R. McDonough.

2. An act to improve the State road from Williamsburg to London, in Whitley and Laurel counties.

3. An act for the benefit of sundry citizens of Pike county, and for other purposes.

Were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Finance, and the 2d and 3d to the committee on Internal Improvement.

A bill from the House of Representatives, entitled, an act to amend the execution laws, was postponed and made the special order of the day for Monday next.

On the motion of Mr. McAfee,

Ordered, That a committee of conference be appointed, on the part of the Senate, on the disagreement between the Houses on a bill from the House of Representatives, entitled, an act to reduce the number of Constables in the county of Mercer, and for other purposes.

Messrs. McAfee, M. Williams and Hardin were appointed the said committee, on the part of the Senate.

Mr. McAfee was directed to inform the House of Representatives thereof, and request the appointment of a committee on their part.

The amendment proposed by the House of Representatives to the amendment proposed by the Senate to a bill from that House, entitled, an act for the benefit of Thomas Allin, Clerk of the Mercer County Court, was referred to the committee on Finance.

On the motion of Mr. J. S. Morgan, Mr. Rodes was added to the committee on Internal Improvement, and discharged from serving on the committee on Religion.

An engrossed bill, entitled, an act authorizing the County Court of Green

county to establish a ferry at Barnett's ford, on Green river, if they should deem it expedient for the public interest, was read a third time.

The question being taken on the passage of said bill, it was decided in the negative, and so the said bill was rejected.

Engrossed bills of the following titles, were severally read a third time to-wit:

An act further to amend the law authorizing the sale of infants' real estate and slaves.

An act to amend the law in relation to Internal Improvements in Callovay county.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to extend the law concerning private passways was taken up.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

A bill from the House of Representatives, entitled, an act to define the duties of Coroners, and for other purposes, was re-committed to the committee on the Judiciary.

A bill from the House of Representatives, entitled, an act for the benefit of *bona fide* occupants of land, was taken up, and is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any occupant of land within this Commonwealth has, or shall have been in the peaceable possession thereof, claiming the same *bona fide* as his own land, by written contract or deed, from and under any person claiming title by deed, recorded in the Clerk's office of the county in which the land lies, or in the Clerk's office of the Court of Appeals or General Court, (without any other title) for and during the period of seven years, and another claimant shall obtain the decision of any court for the recovery of the possession thereof, the defendant shall not be evicted until payment is made to him for all valuable and lasting improvements made by him upon the premises recovered, or by any other person or persons under whom he claims, to be ascertained after the manner prescribed by the act, entitled, "an act to amend an act, entitled, an act to revive and amend the champerty and maintainance law, and more effectually to secure the *bona fide* occupants of land within this Commonwealth," approved January 12th, 1825. And judgment or decree shall be entered therefor, and execution may issue accordingly; and the defendant shall have a lien upon the land recovered, until he is paid the value of his improvements aforesaid: *Provided*, That a *venire facias* shall not issue in any case, unless the defendant shall file in the Clerk's office of the court in which the decision may have been had, an affidavit to be made before a Justice of the Peace, that he, or he and those under whom he claims, have held in good faith a continued possession of the land recovered, for seven years prior to the institution of the suit: *And provided further*, That the provisions of this section shall not apply to any occupant who shall not have been in the adverse possession of

the land seven years next preceding any suit instituted against any such occupant for the recovery of the land, or the possession thereof, from such occupant, nor to any occupant who may have, at any time, entered under, or taken a lease, or who may have rented, or who may have, at any time, resided on the land by the permission of the person or persons claiming the land, or of any person or persons under whom such claimant or claimants who may seek to dispossess such occupant, derives title.

Sec. 2. Be it further enacted, That no ejectment or other action shall be maintained to recover the possession of land, unless the claimant, if required by the defendant, shall make affidavit in writing, and file the same in court, that he or they have not employed any person or persons to institute, prosecute, maintain or carry on the said suit, for any part or parts of the lands, or of the proceeds thereof, subject to be recovered, nor for any part of the proceeds on any compromise made, or to be made, with any occupant or occupants, as a compensation for his or their services or agency; and if required by the defendant, the claimant or claimants shall produce satisfactory evidence under a rule of the court in which the suit may be depending, that the taxes upon the land subject to be recovered, have been by him or them paid up to the period of the institution of the suit, and on his or their failure to produce such evidence, the suit shall be dismissed.

Sec. 3. Be it further enacted, That after judgment in ejectment, it shall be lawful for any defendant or defendants, or any tenant or tenants in possession, to file a bill in chancery, setting forth that the claimant or claimants have no title to the land in equity, but that the title in equity is in some other person or persons; setting forth in the bill the name or names of such person or persons holding the equity, and also charging that the ejectment has been prosecuted without the knowledge or consent of the holders of the equitable title, who shall also be made defendants to the bill; upon which bill, verified by affidavit, the court shall grant an injunction, staying further proceedings upon the judgment in ejectment until the final hearing of the cause. And if, upon a final hearing, the facts set forth in the bill shall be sustained by proof or admission, or the defendants suffer the bill to be taken for confessed, then the court shall perpetuate the injunction, and render such further decree as shall be necessary to quiet the possession of the occupant: *Provided*, That this act shall not apply to any case where suit is now depending, or in which judgment has been recovered.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Wallace and M. Williams, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd,
Chenault,
Conner,
Drake,

Garth,
Johnson,
McAfee,
McElroy,

Morgan, D.
Wallace,
Walker,
Williams, M—12.

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Pirtle,
Bailey.	Hughes,	Rodes,
Bennett,	James,	Slaughter,
Dyer,	Jesup,	Sterett,
Gilless,	Loving,	Williams, S. L.
Griffith,	Morgan, J. S.	Woodson,
Hanson,	Payne,	Young—21.

On the motion of Mr. James,

Resolved, That the committee on Finance enquire into the expediency and propriety of imposing a tax on the income derived by ferry keepers in this Commonwealth. Said tax to be imposed in proportion to the receipts of the respective ferries.

And then the Senate adjourned.

TUESDAY, FEBRUARY 7, 1843.

A message was received from the House of Representatives, announcing that they had adopted a resolution in relation to a gate on the Versailles and Frankfort turnpike.

That they had passed bills of the following titles, to-wit:

1. An act to amend the road law in the county of Campbell.
 2. An act for the benefit of the Sheriffs of Daviess and Wayne counties.
 3. An act to improve the roads of Hickman, Ballard and McCracken counties.
 4. An act to authorize the County Court of Kenton to make an additional levy, for the purpose of paying certain claims now authorized by law, and for other purposes.
 5. An act to amend an act to establish a road from the mouth of Laurel to Bates' Salt Works.
 6. An act for the benefit of the Sheriffs of Carroll and Grant counties.
- Which bills were severally read the first time, and ordered to be read a second time.
- The constitutional rule as to the second reading of said bills being dispensed with, the 1st, 3d and 5th were referred to the committee on Inter-

nal Improvement; the 2d and 6th to the committee on Finance; and the 4th to the committee on Propositions and Grievances.

1. Mr. McElroy presented the petition of the Trustees of Cumberland Presbyterian Church, at Princeton, praying for an act of incorporation.

2. Mr. Young presented the petition of the Trustees of the town of Glasgow, praying for the passage of an act to extend the limits of said town.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Propositions and Grievances.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to-wit:

An act for the benefit of certain Sheriffs.

An act for the benefit of James Quiett, and others.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to define the duties of Coroners, and for other purposes, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, "an act further to define the duties of Coroners."

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act changing the time of holding the Boyle Circuit and County Courts, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Pirtle, from the same committee, to whom was referred a bill to enforce the return of executions by Sheriffs and other officers, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title be amended to read, "an act to enforce the return of executions, and for other purposes."

The following bills were reported, to-wit:

By Mr. Pirtle, from the committee on the Judiciary—1. A bill to add Wayne county to the 8th Judicial District, and for other purposes.

By Mr. Payne, from the same committee—2. A bill for the benefit of John Tilford.

By Mr. Walker, from the committee on Propositions and Grievances—3. A bill to change the boundary of the town of Carlisle.

By Mr. James, from the committee on Finance—4. A bill for the benefit of James P. Hamilton and Peter L. Harper, of Hardin county.

By Mr. McAfee, from the committee on Education—5. A bill for the benefit of the Trigg County Seminary.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 2d was referred to the committee on Finance, and the 1st, 3d, 4th and 5th were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st, 3d, 4th and 5th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Young, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act divorcing sundry persons, reported the same without amendment.

Mr. J. S. Morgan moved to postpone the further consideration of the said bill until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Griffith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Hughes, Morgan D.	Morgan, J. S. Pirtle,	Walker, Williams, S. L—6.
------------------------------	--------------------------	------------------------------

Those who voted in the negative, were—

Messrs. Alexander, Bailey, Bennett, Boyd, Chenault, Conner, Conway, Drake, Dyer, Garth,	Gilless, Griffith, Hanson, Hardin, James, Jesup, Johnson, Loving, McAfee,	Newell, Palmer, Payne, Rodes, Slaughter, Sterett, Wallace, Williams, M. Young—28.
--	---	---

The said bill was amended, and the question being taken on reading it a third time, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rodes and McElroy, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Alexander,	Griffith,	Palmer,
Bailey,	Hanson,	Payne,
Bennett,	James,	Slaughter,
Boyd,	Jesup,	Sterett,
Chenault,	Johnson,	Wallace,
Conaer,	Loving,	Williams, M.
Dyer,	McAfee,	Young—23.
Gilless,	Newell,	

Those who voted in the negative, were—

Messrs. Drake,	Morgan, D.	Walker,
Garth,	Morgan, J. S.	Williams, S. L.
Hughes,	Pirtle,	Woodson—11.
McElroy,	Rodes,	

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James Taggart, Sheriff of Muhlenburg county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James R. McDonough, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading it a third time, it was decided in the negative, and so the said bill was disagreed to.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, *to-wit* :

Gentlemen of the Senate :

I nominate for your advice and consent, Sandford J. Poston to be Sheriff of Hardin county, in the place of William Tapley, resigned.

R. P. LETCHER.

February 7, 1843.

Resolved, That the Senate advise and consent to the said appointment.

Mr. Griffith presented the petition of the Pastor, Elders and Members of the Presbyterian Church in the town of Henderson, praying for the passage of an act authorizing the conveyance of a certain lot and buildings to Trustees for the use of said Church; which was received and referred to the committee on the Judiciary.

Mr. Pirtle, from the select committee on Congressional Districts, to whom was referred a bill to divide the State into Congressional Districts, reported the same with an amendment, which was concurred in, and the said bill was placed in the orders of the day.

On the motion of Mr. Johnson, leave was given to bring in a bill to regulate the pay of the several Jailers of this Commonwealth; and the committee on the Judiciary was directed to prepare and bring in the same.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. McElroy in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. McElroy reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, an act to amend the law prohibiting the importation of slaves, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Carroll and Grant counties, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James presented the petition of sundry citizens of Hickman county, praying for the formation of a new county out of the southern part of said county; which was received and referred to the committee on Propositions and Grievances.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 8, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

An act for the benefit of Samuel Nelson.

An act to attach a part of the county of Casey to the county of Lincoln.

An act to attach a part of Henry county to Trimble county.

1. Mr. Griffith presented the memorial of George Scarborough, praying for the passage of an act to amend an act to enlarge the town of Owensesboro'.

2. Mr. McAfee presented the petition of Mark A. Coulter, praying for a divorce from his wife, Henrietta Coulter.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Religion.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill concerning mortgages and other dispositions of property, made by insolvent debtors, reported the same with an amendment.

The said bill and amendment were laid on the table, and the Public Printer was directed to print 150 copies of the amendment for the use of the General Assembly.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of a petition, to them referred, of sundry citizens of the county of Nicholas, relative to the sale of the Mount Tabor Methodist Church.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, A. H. Hanley to be Colonel of the 4th Regiment, 8th Brigade, in place of M. I. Cecil, resigned.

Thomas I. Mash to be Lieutenant Colonel of the 4th Regiment, 8th Brigade, in place of A. H. Hanley, if promoted.

James Millen to be Major of the 4th Regiment, 8th Brigade, in place of Allen J. Smiday, resigned.

A. G. Kyle to be Colonel of the 43d Regiment, 8th Brigade, in place of Robert M. Daviss, resigned.

William B. Petty to be Lieutenant Colonel of the 92 Regiment, 6th Brigade, in place of Allen N. McAllister, resigned.

Keeling C. Gaines to be Major of the 92d Regiment, 6th Brigade, in place of William B. Petty, if promoted.

Daniel A. Brooks to be Colonel of the 76th Regiment, 17th Brigade, in place of Harvey Graham, resigned.

Israel Davis to be Lieutenant Colonel of the 76th Regiment, 17th Brigade, in place of D. A. Brooks, if promoted.

George W. Cornish to be Colonel of the 133d Regiment, 8th Brigade, in place of John Yocom, resigned.

William W. Farris to be Lieutenant Colonel of the 133d Regiment, 8th Brigade, in place of George W. Cornish, if promoted.

James Sweeney to be Major of the 133d Regiment, 8th Brigade, in place of William W. Farris, if promoted.

William Steen to be Colonel of the 57th Regiment, 9th Brigade, in place of S. G. Tillett, promoted.

James H. Yantis to be Lieutenant Colonel of the 57th Regiment, 9th Brigade, in place of Wm. Steen, if promoted.

Jesse C. Shy to be Major of the 57th Regiment, 9th Brigade, in place of James H. Yantis, if promoted.

R. P. LETCHER.

February 7, 1843.

Resolved, That the Senate advise and consent to the said appointments.

Mr. McElroy, from the committee on the Judiciary, reported a bill for the benefit of the Presbyterian Church, in the town of Henderson.

Also, a bill for the benefit of the Cumberland Presbyterian Church, at Princeton.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were placed in the orders of the day.

The committee of the whole was discharged from the further consideration of a bill from the House of Representatives, entitled, an act to amend the law to prohibit the importation of slaves.

Mr. Payne moved to lay the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McElroy and Payne, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Chenault,

Conner,
Drake,
Dyer,
Hardin,
Hughes,

Loving,
Morgan, D.
Morgan, J. S.
Newell,
Palmer,
Payne,

Pirtle,
Rodes,
Sterett,
Williams, M.
Williams, S. L.
Woodson—18.

Those who voted in the negative, were—

Messrs. Alexander,	Gilless,	McAfee,
Bailey,	Griffith,	McElroy,
Bennett,	Hanson,	Wallace,
Boyd,	James,	Walker,
Conway,	Jesup,	Young—17.
Garth,	Johnson,	

On the motion of Mr. Hughes,

Resolved, That Mr. Bernard, Secretary of the Board of Education of the State of Connecticut, be requested to deliver a lecture in the Senate Chamber, at half after six o'clock, P. M., on the subject of Common Schools and Popular Education.

On the motion of Mr. M. Williams, leave was given to bring in a bill to change the time of holding the County Courts of Morgan and Breathitt; and Messrs. M. Williams, Chenault and Johnson were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

THURSDAY, FEBRUARY 9, 1843.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act authorizing a sale of the poor house of Harrison county, and the land attached thereto, and for other purposes.

An act to amend an act, entitled, an act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattos and Indians, approved January 25, 1842.

An act to amend the charter of Bardstown.

An act to abolish an election precinct in Letcher county, and for other purposes.

An act concerning the Simpson Circuit Court.

An act authorizing the Trustees of the town of Shelbyville to sell and convey certain ground in said town.

An act to authorize a sale of the real estate of Charles McDowell, dec'd.

An act to incorporate the Trustees of the Old Side Presbyterian Church, in Simpson county.

An act for the benefit of Charlotte Mount.

An act to amend an act establishing Fire Companies in the city of Lexington.

An act to establish an election precinct in the county of Morgan, and for other purposes.

An act for the benefit of the United Baptist Church at Walton's creek, in Ohio county.

An act more effectually to protect the rights of married women, abandoned by their husbands.

An act to change the boundaries of the Germantown election precinct, in the county of Mason.

An act for the benefit of James Quiett, and others.

An act for the benefit of the heirs of Joshua Evans, deceased.

An act for the benefit of certain Sheriffs.

An act for the benefit of Harrison Brown.

An act to amend the law relative to Coroners.

An act for the benefit of the surviving executor of Brumfield Long, deceased.

An act for the benefit of William Stevens.

An act for the benefit of Jacob Mayo.

An act to amend an act, entitled, an act to provide for binding out poor free children of colour, approved 21st December, 1825.

An act to amend the law in relation to Constables in Nicholas county.

An act to amend an act, entitled, an act to establish a State road from the Ohio river to Albany, in Clinton county, and for other purposes.

An act granting a change of venue to Edmund F. Smith.

An act incorporating the German Benevolent Society of Louisville, Kentucky.

An act allowing Henry Browning a change of venue.

Approved February 7, 1843.

That they had passed a bill from the Senate, entitled, an act authorizing Richard Ringo to remove certain slaves of Charles Stone, an infant.

That they had passed bills of the following titles, *to-wit*:

1. An act to establish a Tobacco Inspection on Cumberland river, in Monroe county.

2. An act to change the terms of the Morgan County Court, and for other purposes.

3. An act to amend an act establishing Boyle county, and for other purposes.

4. An act for the benefit of James Allen.

5. An act to reduce the number of Constables in Oldham county.
6. An act to provide for working the public roads in Shelby, Trimble, Bourbon and Montgomery counties.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 2d and 4th were referred to the committee on the Judiciary; the 3d to the committee on Finance; the 5th to the committee on Propositions and Grievances; the 6th to the committee on Internal Improvement; and the 1st was ordered to be read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Young,

Ordered, That a message be sent to the House of Representatives, asking leave to withdraw the report of the passage of a bill to add Morgan county to the 8th Judicial District, and for other purposes; and Mr. Young was directed to carry the said message.

The said bill having been returned to the Senate, the vote by which it passed was re-considered, and it was referred to the committee on the Judiciary.

The Speaker laid before the Senate the proceedings of a public meeting, held at the town of Mills' Point, relative to the division of Hickman county, which was referred to the committee on Propositions and Grievances.

On the motion of Mr. Pirtle, leave was given to withdraw the remonstrance of sundry citizens of Louisville relative to the inspection of salt.

On the motion of Mr. McElroy, leave was given to withdraw the remonstrance and accompanying documents of John U. Waring, against the petition of his wife for a divorce.

1. Mr. McAfee presented the petition of sundry citizens of Mercer county, praying for the passage of a law allowing an additional Justice of the Peace to said county.

2. Mr. James presented the affidavits of Charles Hubbard and Benjamin Wilson, and accompanying documents, relative to the division of Hickman county.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Propositions and Grievances.

On the motion of Mr. Walker, the committee on Propositions and Grievances were discharged from the further consideration of the petition, to them referred, of the citizens of Glasgow, praying that the boundary of said town may be extended.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the County Court of Kenton to make an additional levy for the purpose of paying certain claims now authorized by law, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, to-wit:

By Mr. Young, from the committee on Religion—1. A bill for the benefit of Mark A. Coulter.

By Mr. Pirtle, from the committee on the Judiciary—2. A bill supplemental to an act to enlarge the town of Owensborough, and for other purposes.

3. A bill concerning the records in the Jefferson County Court office.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Daviess and Wayne counties, reported the same with amendments, which were amended and concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act for the benefit of the Sheriffs of Daviess, Scott and Wayne counties.

Mr. James, from the same committee, to whom was referred bills of the following titles, to-wit:

A bill authorizing the Second Auditor to have the land sold that may be forfeited to the Commonwealth of Kentucky for the non-payment of taxes, interest and costs due thereon.

A bill providing compensation to Sheriffs, and others, for conveying persons of unsound mind to the Lunatic Asylum, and to provide for the examination of such persons at any time it may be necessary.

Reported the same, and the said bills were placed in the orders of the day.

Mr. Pirtle, from the committee on the Judiciary, reported a bill to establish inferior courts for the trial of civil causes in the counties of Henry,

FEB. 9.]

JOURNAL OF THE SENATE.

199

Oldham and Trimble, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Young and Hughes, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hanson,	Morgan, D.
Boyd,	Hughes,	Palmer,
Chenault,	Huston,	Pirtle,
Drake,	James,	Slaughter,
Dyer,	Johnson,	Wallace,
Garth,	McElroy,	Woodson—19.
Gilless,		

Those who voted in the negative, were—

Messrs. Alexander,	Loving,	Walker,
Bailey,	McAfee,	Williams, M.
Conner,	Newell,	Williams, S. L.
Hardin,	Sterett,	Young—13.
Jesup,		

Resolved, That the title of the said bill be as aforesaid.

The Speaker laid before the Senate the following report from the Board of Internal Improvement, to-wit:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
February 7th, 1843. }

SIR:

In obedience to the resolution of the Senate of the 31st ult., the Board of Internal Improvement report:

That from the accompanying statement A, it will be seen that the five locks and dams upon the Green and Barren river navigation, have, so far, cost this sum,	- - - - -	\$775,802 93
That there is now due for work done,	- - - - -	10,000 56
And work yet to be done,	- - - - -	17,065 94

\$802,868 43

That the five locks and dams upon the Kentucky river navigation, have, so far, cost	- - - - -	\$867,051 89
And there is now due Contractors,	- - - - -	18,975 24

\$886,027 13

Making the works upon the Kentucky river navigation cost \$83,158 70 more than those upon the Green and Barren rivers.

It will be seen, however, that the dams upon the Kentucky river are very considerably larger than those upon the Green and Barren rivers; and that the regular and rubble masonry upon the locks of the former, amounts to 44,391 $\frac{1}{2}$ perches, whilst that upon the latter amounts only to 29,870.3 perches—leaving a difference of near fifty per cent. more upon the Kentucky river navigation than upon the Green and Barren rivers, upon this costly portion of the work. This difference amounts to 14,521 perches, which, at the average cost of the masonry at \$7 41 per perch, amounts to \$107,602. In order to ascertain the comparative cost of the locks and dams upon these two lines of navigation, it is necessary to deduct from the cost, as before stated, for constructing the works upon the Kentucky river, \$107,602, the value of this excess of masonry; and a further reduction for the increased size of the dams upon the Kentucky river, the precise value of which is not so easily ascertained.

THOMAS METCALFE, P. B. I. I.

Hon. M. V. THOMSON.

STATEMENT A.

Showing, separately, the dimensions of each dam upon the Green and Barren river navigation, and of each dam upon the Kentucky river navigation; also the regular and rubble masonry in and about each lock, together with the aggregate cost of each navigation:

Lock No. one, in Green river, contains, including the rubble masonry added to the walls—perches of masonry,	6,387.4
The dam is 522 feet long, 16 $\frac{1}{2}$ feet high and 60 feet base.	
Lock No. two, in Green river, contains	4,741.6
The dam is 680 feet long, 17 feet high and 49 feet base.	
Lock No. three, in Green river, contains, including the addition to the walls, made since the lock was reported finished,	6,405.5
The Dam is 268 feet long, 22 feet high and 60 feet base.	
Lock No. four, in Green river, contains, including additional rubble backing,	5,893
The dam is 382 feet long, 25 feet high and 70 feet base.	
Lock No one, in Barren river, contains	6,442.8
The dam is 280 feet long, 23 feet high and 80 feet base.	
 Total number of perches,	<hr/> <hr/> 29,870.3

There has been paid by the State, to and for the Green and Barren river Commissioners, this sum,	\$791,661 15
Also for lime at Louisville,	27,779 00

 Deduct amount paid upon tributaries and for water power,	<hr/> \$819,440 15
	43,663 22

 Amount carried forward,	<hr/> \$775,802 93
-----------------------------	--------------------

Amount brought forward,	\$775,802 93
Add for work now done and not paid for,	\$10,000 56
Also for work to be done, as estimated by Mr. Livermore,	17,065 94
	<hr/>
	*27,065 50
	<hr/>
	\$802,868 43
	<hr/>

The Contractors upon Nos. 2 and 3 are settled with and paid off. The others have claims for depreciation, &c. amounting to upwards of \$25,000.

Lock No. one, in the Kentucky river, contains, including the rubble masonry, added after the contract was made—perches of masonry, 10,504½

The dam is 525 feet long, 25 feet high and 80 feet base.

Lock No. two contains, including additional rubble work, 8,240

The dam is 439 feet long, 21 feet high and 80 feet base.

Lock No. three contains, including rubble work in the return walls, 7,992

The dam is 464 feet long, 21 feet high and 66 feet base.

Lock No. four contains, including rubble work in the return walls, 9,548½

The dam is 530 feet long, 20 feet high and 66 feet base.

Lock No. five contains, including rubble work in return walls, 8,107

The dam is 373 feet long, 27 feet high and 66 feet base.

44,391 ½

There has been paid upon the Kentucky navigation this sum, \$814,168 18

Also for lime at Louisville, 52,883 71

\$867,051 89

The estimates of the late Resident Engineer shows that

there is now due to the Contractors as follows:

Upon lock No. 1,	\$2,425 85
Upon lock No. 4,	7,490 53
Upon lock No. 5,	9,058 86
	<hr/>
	18,975 24
	<hr/>
	\$886,027 13
	<hr/>

The Contractors upon locks and dams Nos. 2 and 3 were settled with and paid off last year early in the season. The others have claims for damages, &c. amounting to upwards of \$12,000, which are now in the hands of the Engineer for the purpose of examination, &c.

*On the 15th July, 1842, Mr. J. Livermore reported to the Board, and the Board so reported to the Legislature, that it would require the sum of \$21,878 60 to pay for work done and to be done upon the Green & Barren rivers. Although the Board have paid since receiving said report, the sum of \$17,000 towards that navigation, Mr. Livermore now reports that \$27,065 50 will be required to pay for work done and to be done. It is due to Mr. Livermore to say, that when he made his report in July, he was under the im-

pression that the resources of the Sinking Fund would not authorize the issuing of the entire appropriation of the last General Assembly, and supposed that the Green and Barren river navigation would fail in getting her portion, as well as other objects. He therefore made his estimates, presuming upon expending the least possible sum that could be used, and leave the work in a safe condition for the ensuing winter; and he thought that that could be done with \$21,878 60 if used upon the most economical scale.

Ordered, That said report be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. McElroy, from the select committee to whom was referred an engrossed bill, entitled, an act to amend an act, entitled, an act to amend the law concerning Constables, approved February 4th, 1820, reported the same with amendments, which were concurred in. The said bill was further amended to read as follows, to-wit:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of August next, any person or persons holding a receipt upon any Constable in this Commonwealth, for the collection of any debt or demand placed in his hands for collection, shall have a right to move against said Constable, or against said Constable and his sureties, before any Justice of the Peace within the county where said Constable had been appointed, at any time after the expiration of one year from the date of said receipt, by notifying said Constable, or said Constable and his sureties, of the time and place of such motion, ten days before said motion, charging in said notice that said Constable had collected the sum or sums of moneys specified in said receipt, and failed to pay the same over to the plaintiff or plaintiffs in said motion; and also failed to perform his duty, as prescribed by law, in the collection of said debts, dues and demands; said Justice, before whom such motion shall be made, shall render a judgment against said Constable, or against him and his sureties, for the full amount of the debts, dues and demands specified in said receipt, with fifteen per cent. thereon, unless such Constable shall show that said debts have not been collected by him, or lost by his negligence, or by reason of the insolvency of the debtor or debtors, or in consequence of their absence from the county, and that he has returned each and every execution that come to his hands, that may have issued upon any judgment rendered upon any or all of the claims named in said receipt, or some other good cause to be adjudged of by the Justice: *Provided however,* That either party shall be entitled to an appeal from the judgment of the Justice as is now provided for by law.

SEC. 2. That if more than two years shall have expired from the date of said receipt, that the individual to whom the same shall have been given, may prosecute a suit in the Circuit Court against such Constable, or against him and his sureties, on his official bond in the manner now directed by law, and may aver in his declaration, that said Constable has collected the several sums of money specified in said receipt, and failed to pay the same over; and that said Constable failed to make due return of the executions that

FEB. 9.]

JOURNAL OF THE SENATE.

203

the
sup-
her
pre-
leave
that
cale.

Im-
use

en-
the
the
fur-

h of
n or
, for
shall
and
said
year
able
before
the
ame
form
al de-
er a
the
with
ebts
f the
from
ome
any
o be
ll be
ided

e of
ven,
ainst
law,
sev-
ver;
that

may have issued on all or any of the judgments rendered upon the debts dues and demands specified in such receipt; and upon the trial of said action, said court shall render a judgment against said Constable, or him and his sureties, for the aggregate amount of said receipt, with twenty per cent. thereon, unless said Constable or his sureties shall show and prove on said trial, that said Constable had not collected said debts, dues and demands by reason of the insolvency of the debtor or debtors, or in consequence of their absence or non-residence in the county; and that said Constable had well and truly returned all process that may have issued upon any judgment recovered on any or all of the said debts, dues and demands within the time prescribed by law; and that said debts had not been lost by the negligence of said officer, or some other good cause to be adjudged of by the court: *Provided however,* That nothing herein contained shall be construed as to repeal any act of limitation on behalf of securities of Constables and other officers, or repeal any other act providing for motions or suits against Constables and their sureties, unless the same or some of its provisions shall come within the purview of this act.

SEC. 3. That no motion or suit authorized to be made or prosecuted by the first and second sections of this act shall be commenced at any time after the death of said Constable, or within three years after the cause of action accrued. No Constable shall charge any fee for summoning any defendant to answer on oath where the warrant requires him to do so, but shall be entitled only to his fee for serving the warrant. This act shall not take effect until the first day of August next.

The question being taken on re-engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Loving and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hanson,	McElroy,
Boyd,	Hughes,	Palmer,
Garth,	Huston,	Williams, M.
Gilles,	James,	Williams, S. L.
Griffith,	Johnson,	Young—15.

Those who voted in the negative, were—

Messrs. Bailey,	Hardin,	Rodes,
Chenault,	Loving,	Slaughter,
Conner,	McAfee,	Sterett,
Conway,	Morgan, J. S.	Wallace,
Drake,	Payne,	Woodson—17.
Dyer,	Pirtle,	

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to improve the roads of Hickman, Ballard and McCracken counties, reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled an act to amend the law in relation to the Goose creek turnpike road, passing through Clay and Laurel counties, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Candle, of Letcher county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

On the motion of Mr. Palmer,

Ordered, That a message be sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate of a bill from that House, entitled, an act to authorize the sale of a slave belonging to Thomas H. Miles, an infant.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate :

I nominate for your advice and consent, William A. Cocke to be Marshal of the Louisville Chancery Court, from and after the 22d instant, when his present commission will expire.

R. P. LETCHER.

February 9, 1843.

Resolved, That the Senate advise and consent to the said appointment.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Samuel Nelson.
2. An act to attach a part of the county of Casey to the county of Lincoln.

3. An act to attach a part of Henry county to Trimble county.

Were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Finance, and the 2d and 3d to the committee on Propositions and Grievances.

Mr. M. Williams, from a select committee, reported a bill to change the

time of holding the County Courts of Morgan and Breathitt counties, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

An act to amend the law prohibiting the importation of slaves, was taken up and placed in the orders of the day.

A bill to amend the law concerning persons of unsound mind, was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill for the benefit of Bernard F. Rogers, was postponed until the first day of June next.

On the motion of Mr. Hanson, a message was sent to the House of Representatives requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of *bona fide* occupants of land.

And then the Senate adjourned.

FRIDAY, FEBRUARY 10, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act to amend an act incorporating the town Bedford, in the county of Henry.
2. An act to add the county of Owsley to the 10th Judicial District, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

1. Mr. Jesup presented the petition of Robert C. Holland, praying for a divorce from his wife, Elizabeth F. Holland.
2. Mr. Pirtle presented the petition of Massol & Co., of the City of Louis-

ville, praying that a duplicate may issue to them for a thirty year State bond, lost in the mail between Louisville and the city of New York.

3. Mr. S. L. Williams presented the petition of sundry citizens of Winchester, praying for the passage of a law repealing the ninth section of an act concerning the said town, passed in the year 1842.

Which were received and referred: the 1st to the committee on Religion; the 2d to the committee on Finance; and the 3d to the committee on Propositions and Grievances.

The following bills, from the House of Representatives, were reported from the several committees to whom they were referred, without amendment, to-wit:

By Mr. Pirtle, from the committee on the Judiciary—1. An act to change the terms of the Wayne County Court, and for other purposes.

2. An act for the benefit of James Allen.

By Mr. Griffith, from the committee on Propositions and Grievances—

3. An act to attach a part of the county of Casey to the county of Lincoln.

4. An act to reduce the number of Constables in Oldham county.

The 1st bill was placed in the orders of the day, and the 2d, 3d and 4th were ordered to be read a third time.

The constitutional rule as to the third reading of the 2d, 3d and 4th bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred an engrossed bill, entitled, an act to add Wayne county to the 8th Judicial District, and for other purposes, reported the same with amendments, which were concurred in.

Ordered, That the said bill be re-engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being re-engrossed,

Resolved, That the said bill do pass, and that the title be amended to read, the 18th, instead of the 8th, Judicial District.

The following bills were reported, to-wit:

By Mr. Pirtle, from the committee on the Judiciary—1. A bill for the benefit of the Trustees of the Catholic Church, in Taylorsville.

By Mr. Huston, from a select committee—2. A bill to repeal an act allowing an additional term of the Hardin Circuit Court.

By Mr. Garth, from a select committee—3. A bill to amend the law of February 23d, 1842, touching the Somerset Independent Bank.

By Mr. James, from the committee on Finance—4. A bill for the benefit of W. W. Rice, of Carter county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Samuel Nelson, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Bullitt and Whitley counties, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act for the benefit of the Sheriffs of Bullitt, Rockcastle and Whitley counties.

Mr. Bailey presented the petition of Frances Dawson, praying for a divorce from her husband, James Dawson; which was received and referred to the committee on Religion.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Rodes—1. A bill to authorize the County Court of Fayette to pay for building an addition to the Clerk's office, in the city of Lexington, out of the county levies of 1843 and 1844.

On the motion of Mr. Griffith—2. A bill to amend the laws on the subject of compensating persons who shall discover the cause of the disease called the Milk Sickness.

Messrs. Rodes, Woodson and J. S. Morgan were appointed a committee to prepare and bring in the 1st, and Messrs. Hughes, Palmer and Bennett the 2d.

A bill to remove the seat of Government of the Commonwealth of Kentucky, came up in the orders of the day.

Mr. Dyer moved to postpone the further consideration of said bill until Thursday next.

The question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Alexander, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Dyer,	Newell,	Sterett,
Griffith,	Pirtle,	Williams, M.
Huston,	Slaughter,	Young—10.
James,		

Those who voted in the negative, were—

Messrs. Alexander,	Garth,	McElroy,
Bailey,	Gilless,	Morgan, J. S.
Bennett,	Hardin,	Rodes,
Boyd,	Hughes,	Wallace,
Chenault,	Jesup,	Walker,
Conner,	Johnson,	Williams, S. L.
Conway,	Loving,	Woodson—23.
Drake,	McAfee,	

The said bill reads as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Seat of Government of the Commonwealth of Kentucky, shall be, and the same is hereby, removed from Frankfort; and the same shall hereafter be at the city of Louisville, in the county of Jefferson.

SEC. 2. Be it further enacted, This act shall not take effect until the city of Louisville and county of Jefferson shall, by deed of general warranty, convey a clear unencumbered title, in fee simple, and with covenant, that the property conveyed is free of all encumbrance, to the Commonwealth of Kentucky, the lot of ground fronting four hundred and twenty feet on the north side of Jefferson street, and extending northward, of that width, two hundred and ten feet, containing two acres of land, binding on 5th and 6th cross streets, being a half square, on which is erected the stone edifice, known as the New Court House, together with all the rights, ways, privileges, tene-ments and hereditaments therein, to have and to hold the same in fee simple, to the Commonwealth of Kentucky, so long as the Seat of Government shall remain in the city of Louisville.

SEC. 3. Be it further enacted, This act shall not take effect until the apartments in the building in the city of Louisville, known as the New Court House, which will be necessary for the accommodation of the Senate and House of Representatives, and their committees, the Court of Appeals, the Auditors, Treasurer, Register, Secretary of State, and the State Li-brarian, shall have been completed, and prepared for the reception of the General Assembly, and the Court of Appeals and officers of Government aforesaid: Provided, The preparation of said apartments shall be completed at the cost exclusively of the city of Louisville and county of Jefferson, on or before the first day of December, 1843.

SEC. 4. Be it further enacted, That this law shall not take effect until the city of Louisville shall execute a bond, in the final sum of one hundred thousand dollars, conditioned that the city of Louisville shall finish and complete, at the cost of said city, the exterior of the said New Court House, according to the original plan of said building, and that the city will, and shall appropriate for that purpose, not less than ten thousand dollars per an-

num, from and after the first day of January, 1844, until the whole building is completed, according to said plan.

SEC. 5. *Be it further enacted*, That this act shall not take effect until the said city of Louisville shall have provided a suitable residence for the Governor of Kentucky, at the expense of said city.

SEC. 6. *Be it further enacted*, That the Speaker of the House of Representatives, the Lieutenant Governor, the present Senator from Nelson county, and the Clerk of the present House of Representatives, or a majority of them, or the survivors of them, shall, when notified by the Mayor of Louisville, proceed to the city of Louisville, inspect the apartments provided for the use of the General Assembly, the Court of Appeals, and the officers of the Government, aforesaid, survey the residence provided for the Governor, examine the conveyance and title to the property contemplated by the second section of this act, to be conveyed by the city of Louisville and county of Jefferson, to the State of Kentucky, examine the bond contemplated to be executed by said city, and provided for in the 4th section of this act, and if they are satisfied therewith, shall accept the same. If the said officers approve the said deed, they shall have it properly recorded, and shall file the original thereof in the office of the Secretary of State. In case they shall accept the said bond, it being in due form, they shall file it in like manner, and in the same office; and if they shall find the apartments intended for the General Assembly, the Court of Appeals, and the various officers aforesaid, and the residence provided for the Governor, finished in a proper manner, they shall receive the same, and shall certify the fact of such reception, and shall deliver said certificate to the Mayor of the city of Louisville, who shall lodge the same for filing and record, in the office of the Secretary of State.

SEC. 7. *Be it further enacted*, That in case of the conveyance, bond and certificate aforesaid shall be filed as aforesaid, on or before the first day of December, 1843, the Governor of this Commonwealth shall immediately issue his proclamation, convening the General Assembly of this Commonwealth, at the time established by law, in the city of Louisville, as the new Seat of Government of the Commonwealth of Kentucky.

SEC. 8. *Be it further enacted*, That the County Court of Jefferson, may, and is hereby, authorized to convey, in fee simple, any interest said county of Jefferson may have in the lot on which said New Court House is erected, and the lots adjoining thereto, and an order of the majority of said court, instructing the presiding Justice of said court to execute a deed, shall be sufficient to authorize said presiding Justice to sign the same in that capacity, and the seal of the court being affixed, the said deed so executed, shall convey any estate granted therein.

SEC. 9. *Be it further enacted*, That the Governor of this Commonwealth, so soon as the conveyance, bond and certificate are filed, shall order to the new Seat of Government, all the fixtures, archives, papers and records, which may be in the public offices of the Government, in the town of Frankfort, and shall notify the Judges of the Court of Appeals thereof, so that the records of said court may be removed by the Clerk thereof to the new Seat of Government, at the city of Louisville, aforesaid.

The question was then taken on engrossing and reading the said bill a

third time, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Griffith and Huston, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hughes,	Palmer,
Boyd,	Huston,	Pirtle,
Drake,	James,	Slaughter,
Dyer,	McElroy,	Sterett—14.
Griffith,	Morgan, D.	

Those who voted in the negative, were—

Messrs. Bailey,	Hardin,	Rodes,
Bennett,	Jesup,	Wallace,
Chenault,	Johnson,	Walker,
Conner,	Loving,	Williams, M.
Conway,	McAfee,	Williams, S. L.
Garth,	Morgan, J. S.	Woodson,
Gilless,	Newell,	Young—23.
Hanson,	Payne,	

Mr. Payne, from the joint committee on Banks, made the following report:

[For the report—see *Legislative Documents*.]

Ordered, That the Public Printer print 500 copies of said report and accompanying documents for the use of the General Assembly.

Mr. Payne, from the same committee, reported the following bills, to-wit:

A bill for the benefit of the Banks of Kentucky.

A bill to amend the charter of the Bank of Louisville.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were placed in the orders of the day, and the Public Printer was directed to print 150 copies of each for the use of the General Assembly.

A bill to amend an act to incorporate the Kentucky and Louisville Mutual Insurance Company, was taken up, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill to divide the State into Congressional Districts, was taken up. The first section of the said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That this State be, and it is hereby, divided into ten Congressional Districts, as follows: The first district shall be composed of the counties of Hickman, Ballard, Graves, McCracken, Marshall, Calloway, Trigg, Caldwell, Crittenden, Livingston, Union and Hopkins. The second district shall be composed of the counties of Christian, Muhlenburg, Henderson, Daviess, Ohio, Butler, Hancock, Edmonson, Hart, Grayson, Breckinridge and Meade. The third district shall be composed of the counties of Todd, Logan, Simpson, Warren, Allen, Barren and Monroe. The fourth district shall be composed of the counties of Lincoln, Garrard, Boyle, Casey, Green, Adair, Russell, Clinton, Cumberland and Pulaski. The fifth district shall be composed of the counties of Madison, Rockcastle, Laurel Knox, Estill, Owsley, Clay, Perry, Harlan, Pike, Floyd, Lawrence, Letcher, Whitley, Wayne and Breathitt. The sixth district shall be composed of the counties of Hardin, Bullitt, Nelson, Washington, Mercer, Marion, Spencer and Anderson. The seventh district shall be composed of the counties of Montgomery, Clarke, Bourbon, Fayette, Jessamine, Woodford and Franklin. The eighth district shall be composed of the counties of Jefferson, Shelby, Henry, Oldham and Trimble. The ninth district shall be composed of the counties of Pendleton, Campbell, Kenton, Boone, Gallatin, Carroll, Owen, Grant, Scott and Harrison. The tenth district shall be composed of the counties of Bracken, Nicholas, Mason, Fleming, Lewis and Greenup.

Mr. Payne moved to strike out the 8th, 9th and 10th districts, and insert, in lieu thereof, the following, viz:

The eighth district shall be composed of the counties of Fayette, Bourbon, Montgomery, Clarke, Jessamine, Woodford and Franklin. The ninth district shall be composed of the counties of Mason, Nicholas, Bracken, Bath, Fleming, Greenup, Carter, Lawrence and Lewis. The tenth district shall be composed of the counties of Harrison, Scott, Pendleton, Boone, Grant, Owen, Gallatin, Campbell, Kenton and Carroll.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey, Boyd, Conner, Conway, Drake, Dyer, Hanson,	Hughes, Huston, James, Jesup, Johnson, McAfee, McElroy,	Newell, Payne, Pirtle, Rodes, Wallace, Williams, M—20.
--	---	---

Those who voted in the negative, were—

Messrs. Alexander,	Griffith,	Sterett,
Bennett,	Hardin,	Walker,
Chenault,	Loving,	Williams, S. L.
Garth,	Morgan, D.	Woodson,
Gilless,	Morgan, J. S.	Young—15.

Mr. Jesup moved an amendment to said bill.

And then the Senate adjourned.

SATURDAY, FEBRUARY 11, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act to establish Helm county.
2. An act to establish the county of Johnson.
3. An act to authorize the several County Courts of this State to appoint Inspectors of beef, pork and lard.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 2d bills were referred to the committee on Propositions and Grievances, and the 3d to the committee on Agriculture.

1. Mr. D. Morgan presented the petition of sundry citizens of the counties of Fleming, Carter, Lewis and Morgan, praying for the formation of a new county out of part of each of said counties.
2. Mr. Garth presented the petition of Constantine Stigall, praying for the passage of a law allowing him to bring into this State certain slaves.
3. Mr. Payne presented the remonstrance of sundry citizens of Mason county, against the passage of an act to amend the execution laws, and of an act to establish a Safety Fund Bank, now pending before the General Assembly.

Which were received, and the 1st was referred to the committee on Propositions and Grievances; the 2d to a committee of Messrs. Garth, James and Hardin; and the 3d was laid on the table.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill to regulate the time of holding Magistrates' courts in certain cases, re-

ported the same with the opinion of the committee that it ought not to pass. The said bill was laid on the table.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act incorporating the town of Bedford, in the county of Henry, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title be amended by adding thereto, "now in the county of Trimble."

Mr. Hardin, from the same committee, reported a bill to amend the law concerning Sheriffs and Constables, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended and re-committed to the committee on the Judiciary.

Mr. Griffith, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles to-wit:

An act to change certain Constables' districts, and to allow additional Constables and Justices of the Peace to certain counties.

An act to attach a part of Henry county to Trimble county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Young, from the committee on Religion, reported a bill for the benefit of Robert C. Holland and Elizabeth F. Holland, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the joint committee appointed to examine Transylvania University, made the following report, viz:

The joint committee appointed for the purpose of examining Transylvania University, having performed the duty assigned them by your resolution, make the following report:

Taking into consideration the great pecuniary embarrassment pervading the length and breadth of these United States, the Medical Department of this Institution is in a very flattering condition. The number of students in this department is but little short of that of the last year. The deservedly high reputation of the distinguished and talented Professors, give a sure

guarantee of the continued usefulness and prosperity of this permanently and well established school.

The Law Department of this Institution is realizing the fondest anticipations of its most devoted friends. Students in quest of legal lore, here find distinguished Jurists more than competent to impart the basis of future usefulness and distinction in their profession.

Since the last session of the Legislature, the Classical and Literary Department of this Institution has been transferred to the control and management of the Methodist Episcopal Church. And the character for literary, moral and religious worth of the talented and accomplished President and Professors, under the present organization of this Department, bids fair to resuscitate this venerable Institution. Prospects are now flattering that the next session will open with some 200 students, or more.

Your committee are pleased to say, that no sectarian principles are inculcated here, whilst order and a proper observance of all the requirements of refined and religious society, together with strict economy, is required of each and every student.

Your committee are gratified further to add, that the expenses, including tuition, boarding, &c., are such as to meet the exigencies of the times. All things considered, your committee flatter themselves that Transylvania will soon rival her palmiest days.

It is confidently hoped, that at a more auspicious period in the monetary affairs of the country, the Legislature will make some appropriation for the ornament and preservation of the grounds and buildings, as also for the procurement of some of the modern works to be added to the Library, at present consisting of many valuable but mostly antiquated works.

All of which is respectfully submitted.

SAM. B. JESUP,
WM. V. LOVING,

A. T. NOE,
THO. J. BUFORD,
N. K. POPE,
JESSE ABELL,

} Com. Senate.

} Com. H. R.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Hughes, from the committee appointed for that purpose, reported a bill to amend the law in relation to Milk Sickness, approved February 18th, 1841, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day.

The Senate resumed the consideration of a bill to divide the State into Congressional Districts.

The amendment moved by Mr. Jesup, proposes to take Christian county from the second district, and to add it to the third district; and to take the county of Hart from the third district, and to add it to the second district.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jesup and Sterett, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Conner,	Jesup,	Walker—4.
Gilles,		

Those who voted in the negative, were—

Messrs. Alexander,	Hughes,	Payne,
Bailey,	Huston,	Pirtle,
Bennett,	Johnson,	Sterett,
Boyd,	Loving,	Wallace,
Chenault,	McElroy,	Williams, M.
Dyer,	Morgan D.	Williams, S. L.
Griffith,	Morgan, J. S.	Woodson.
Hanson,	Newell,	Young—25.
Hardin,		

Mr. Hughes moved to amend the first section of said bill by striking out the county of Spencer from the fifth district, and adding it to the seventh district.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hughes and McElroy, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Hughes,	McElroy,	Young—3.
-----------------	----------	----------

Those who voted in the negative, were—

Messrs. Alexander,	Hanson,	Payne,
Bailey,	Hardin,	Pirtle,
Bennett,	Huston,	Rodes,
Boyd,	James,	Slaughter,
Chenault,	Johnson,	Sterett,
Conner,	Loving,	Wallace,
Dyer,	McAfee,	Walker,
Garth,	Morgan, D.	Williams, M.
Gilles,	Morgan, J. S.	Williams, S. L.
Griffith,	Newell,	Woodson—30.

Mr. Huston moved to re-consider the vote by which the amendment offered by Mr. Payne on yesterday was adopted.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Slaughter,
Bailey.	Hughes,	Sterett,
Bennett,	Huston,	Walker,
Chenault,	Loving,	Williams, M.
Dyer,	Morgan, D.	Williams, S. L.
Gilles,	Morgan, J. S.	Woodson,
Griffith,	Pirtle,	Young—21.

Those who voted in the negative, were—

Messrs. Boyd,	James,	Newell,
Conner,	Johnson,	Payne,
Conway,	McAfee,	Rodes,
Garth,	McElroy,	Wallace—13.
Hanson,		

On the motion of Mr James, a message was sent to the House of Representatives requesting leave to withdraw the report of the passage of a bill from that House, entitled, an act for the benefit of Samuel Nelson.

And then the Senate adjourned.

MONDAY, FEBRUARY 13, 1843.

Mr. James C. Sympson, a member of the Senate from the 8th Senatorial District, appeared and took his seat.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act to provide for the purchase of a Digest of the Statute Laws of Kentucky.

That they had passed bills from the Senate of the following titles, viz:

An act to authorize certain record books of the Cumberland County Court to be transcribed.

An act for the benefit of the voters in the Liberty precinct, in the county of Greenup.

With amendments to the last bill.

That they had passed bills of the following titles, to-wit:

1. An act to change the place of voting in the Hutchens precinct, in Monroe county, and for other purposes.

2. An act to change the line between the counties of Adair and Barren.

3. An act for the benefit of Benjamin Webb, and his securities.
4. An act to change the place of voting in the Red river precinct, in Montgomery county, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 4th bills were referred to the committee on Privileges and Elections; the 2d to the committee on Propositions and Grievances; and the 3d to the committee on Finance.

The Speaker laid before the Senate a letter from Mr. John Neagle, inviting the Speaker and all the members of the Senate to attend the exhibition of the Portrait of Henry Clay, painted by him.

1. Mr. D. Morgan presented the petition of sundry citizens, praying for the formation of a new county out of parts of the counties of Fleming, Lewis, Carter and Morgan.

2. And also a petition counter thereto.

3. Mr. Dyer presented the petition of sundry citizens, praying for the passage of a law to improve the navigation of Nolin.

Which were received and referred: the 1st and 2d to the committee on Propositions and Grievances, and the 3d to the committee on Internal Improvement.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the working of the public roads in Shelby, Trimble, Bourbon and Montgomery counties, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thomas Allin, Clerk of the Mercer County Court, and the amendments thereto, reported the same without further amendment.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to the amendments proposed by the Senate to the said bill.

The following bills were reported, to-wit:

By Mr. J. S. Morgan, from the committee on Internal Improvement—

1. A bill to authorize certain improvements to be made by the Board of Internal Improvement, on the Lexington and Ohio Railroad.

By Mr. Hughes, from the committee on Education—2. A bill to establish a College of Professional Teachers, and for other purposes.

By Mr. Rodes, from a select committee—3. A bill to authorize the County Court of Fayette to pay for an addition to the Circuit Court Clerk's office in the city of Lexington.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st and 2d bills being dispensed with, the 1st was ordered to be engrossed and read a third time; the 2d was placed in the orders of the day, and the Public Printer was directed to print 150 copies of the 2d bill for the use of the General Assembly.

The constitutional rule as to the second and third readings of the 3d bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A resolution respecting the penal laws, read and laid on the table by Mr. Pirtle on the 4th instant, was taken up and is as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That George Robertson, Thomas A. Marshall and Madison C. Johnson be, and they are hereby, requested to re-draft and reduce into method and order, with suitable amendments, the whole Statute Law of this Commonwealth, in regard to crimes and misdemeanors, and report the same in form of a bill to the next General Assembly; and if they shall do so, the Public Printer is directed to print 150 copies thereof, and have the same ready on the meeting of the next session.

Resolved, That the said resolution be adopted.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. McElroy—1. A bill to change the time of the annual meeting of the General Assembly.

On the motion of Mr. Woodson—2. A bill for the benefit of E. H. Field, and others.

On the motion of Mr. Rodes—3. A bill to extend the Constable's district of the city of Lexington, and for other purposes.

On the motion of Mr. Payne—4. A bill to regulate the gates upon the Maysville and Mountsterling turnpike road.

On the motion of Mr. M. Williams—5. A bill for the benefit of the Paymaster of the 115th Regiment of Kentucky Militia.

On the motion of Mr. Loving—6. A bill concerning the taking of depositions.

The committee on the Judiciary was directed to prepare and bring in the 1st and 6th; the committee on Military Affairs the 2d and 5th; the committee on Internal Improvement the 4th; Messrs. Rodes, S. L. Williams and Jesup were appointed a committee to prepare and bring in the 3d.

The yeas and nays being required on giving leave to bring in the first bill by Messrs. McElroy and Garth, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Payne,
Bennett,	Johnson,	Pirtle,
Boyd,	Loving,	Sympson,
Conner,	McAfee,	Wallace,
Dyer,	McElroy,	Williams, M.
Garth,	Morgan, J. S.	Woodson—20.
Hanson,	Newell,	

Those who voted in the negative, were—

Messrs. Chenault,	James,	Sterett,
Gilless,	Jesup,	Walker,
Griffith,	Morgan, D.	Williams, S. L.
Hughes,	Rodes,	Young—14.
Huston,	Slaughter,	

A bill from the House of Representatives, entitled, an act to amend the execution laws, was taken up.

The said bill reads as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all real and personal estate, equitable interests and choses in action, taken under execution, attachment or distress, or which may be subjected to sale by order or decree of a court in chancery, before any sale thereof shall be made by any Sheriff, Coroner, Constable, Commissioner or other officer, shall be first appraised after the manner prescribed for the appraisal of land by the 27th section of the act, entitled, "an act to reduce into one the execution laws of this State," approved February 12th, 1828, and no sale thereof shall be made unless the same shall bring two-thirds of its appraised value; and any sale made without such appraisement, or without the property shall bring two-thirds of its appraised value, shall be absolutely void, and shall pass no right, title or interest to the purchaser; and if any attempt to sell personal property shall prove unsuccessful, the officer shall return the same to the possession of the defendant in all cases whatever of execution, attachment or distress, upon his executing a forthcoming bond, with security, as is now provided for by law.

SEC. 2. Be it further enacted, That property mortgaged or conveyed in trust, shall not be sold by any officer or Commissioner for less than two-thirds of its appraised value, to be ascertained in like manner as is above prescribed, and any sale of mortgaged or trust property, made by any officer or Commissioner without such appraisement, or without the property shall bring two-thirds of its appraised value, shall be absolutely void, and shall pass no right, title or interest to the purchaser. That when an unsuccessful attempt to sell personal property shall have been made, the plaintiff shall have the right, upon the execution being returned to the proper officer, to cause a new execution to be issued, which he may cause to be levied upon,

any personal property of the defendant, to be designated to the officer by the plaintiff, and the same may be sold as is above provided for; but upon the issuing of such new execution, the property levied on by virtue of the first execution, shall be, *ipso facto*, released from all lien in favor of such first execution: *And provided further*, That the appraisers acting under this act shall not be entitled to any compensation for their services.

SEC. 3. *Be it further enacted*, That where there shall be several executions, (on debts *bona fide* due and owing by the same defendant or defendants,) and the defendant or defendants may not have property sufficient to pay all his or their debts, neither execution creditor shall have any preference over the others, but all moneys arising from any sale, shall be divided, *pro rata*, among the several execution creditors whose executions may be in the hands of the officer or officers, and present on the day of sale or sales.

SEC. 4. *Be it further enacted*, That all laws now in force which would authorize the institution of any suit or motion against any public officer or Commissioner, who shall fail or refuse to make sale under any law or pretended law, other than this act, are to that extent hereby repealed and declared inoperative. And any officer or Commissioner who shall make any sale contrary to the provisions of this act, under any law or pretended law proposed by this act to be repealed, shall be liable to the owner or owners of the property sold, in an amount in damages equal to the value of the property sold, to be recovered in an action of the case in any court of competent jurisdiction in this Commonwealth: *Provided*, That the provisions of this act shall not be extended in favor of a debtor, where the debt has been created by the payment of money, or other thing, as security for such debtor, or any officer or attorney at law where the judgment against him is for money collected, and which he has failed to pay over.

SEC. 5. *Be it further enacted*, That all laws, or parts of laws, coming within the purview of this act, are hereby repealed.

Mr. McElroy moved to postpone the further consideration of the said bill until the first day of June next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McElroy and M. Williams, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Slaughter,
Bailey,	Jesup,	Sterett,
Boyd,	Loving,	Sympson,
Chenault,	McElroy,	Walker,
Giless,	Payne,	Williams, S. L.
Griffith,	Pirtle,	Woodson,
Hanson,	Rodes,	Young—21.

Those who voted in the negative, were—

Messrs. Bennett,	Drake,	Hughes,
Conner,	Dyer,	Huston,
Conway,	Garth,	James,

Johnson,
McFee,
Morgan, D.

Morgan, J. S.
Newell,
Palmer,

Wallace,
Williams, M—17.

A bill from the House of Representatives, entitled, an act to amend the law prohibiting the importation of slaves, was taken up. It reads as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, that the citizens of this Commonwealth shall be privileged to import into this State, from any one of the other States, any slave or slaves for his or her own use: Provided, That the person or persons so importing said slaves, shall, within sixty days after said importation, make oath before the Clerk of the County Court into which said slave or slaves are so imported, that the said slave or slaves were imported for his or her own private use, and not as merchandize or speculation; and shall also make out a list of said slave or slaves, in which said list the person or persons so importing, shall give the name, age, color and sex of each and every such slave; a copy of which list and affidavit shall be recorded by said Clerk, in the County Court Clerk's office of said county wherein said slave may have been imported, who shall receive as a fee for recording said oath and list, twenty five cents for each slave embraced therein: And provided further, That the person or persons, so importing said slave or slaves, shall not sell said slaves, or any of one them, in the State of Kentucky, within three years after the importation of said slaves, and after he shall have taken the oath as aforesaid.

SEC. 2. Be it further enacted, That if any person shall sell within this Commonwealth, any such slave or slaves, so imported as aforesaid, within the said term of three years, or shall make any contract during said term for the sale of said slave; or shall hire out said slave or slaves for a term of years, with the intent to evade this act, or shall use any device whatever to evade said act, by hiring, sale or otherwise; that the person or persons so acting, shall, for each and every offence, be subject to all the penalties denounced by the act of 1833, prohibiting the importation of slaves into this Commonwealth.

SEC. 3. Be it further enacted, That if any person shall falsely take the above oath, that the said person or persons, upon the proof of his guilt, or upon proof that he or she imported said slave or slaves as merchandize, and not for his or her own use, that the person or persons so falsely swearing, shall be deemed guilty of perjury, and shall be subject to indictment, and upon the proof thereof, shall undergo confinement in the jail and penitentiary of this State for the term of two years.

SEC. 4. Be it further enacted, That so much of all and every act, or part of act, as comes within the purview of this act, be, and the same is hereby, repealed.

Mr. Payne, moved to postpone the further consideration of said bill until the first day of June next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conway and Garth, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Huston,	Pirtle,
Chenault,	Loving,	Rodes,
Conner,	McAfee,	Slaughter,
Drake,	Morgan, D.	Sympson,
Dyer,	Morgan, J. S.	Williams, M.
Hardin,	Newell,	Williams, S. L.
Hughes,	Payne,	Woodson—21.

Those who voted in the negative, were—

Messrs. Alexander,	Hanson,	Sterett,
Boyd,	James,	Wallace,
Conway,	Jesup,	Walker,
Garth,	Johnson,	Young—14.
Gilless,	McElroy,	

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Samuel Muir to be Colonel of the 14th Regiment, 4th Brigade, in place of James W. Rice, resigned.

Kenza Stone to be Lieutenant Colonel of the 14th Regiment, 4th Brigade, in place of Samuel Muir, if promoted.

James Stephenson to be Major of the 14th Regiment, 4th Brigade, in place of Kenza Stone, if promoted.

Lucien B. Goggin to be Colonel of the 15th Regiment, 7th Brigade, in place of Alexander Hunter, resigned.

Elijah Loyd to be Lieutenant Colonel of the 15th Regiment, 7th Brigade, in place of Abram Bledsoe, resigned.

Samuel T. Worthington to be Major of the 15th Regiment, 7th Brigade, in place of Lucien B. Goggin, if promoted.

George W. Davis to be Major of the 29th Regiment, 7th Brigade, in place of Rosewell Grant, removed.

Thomas Barbee to be Lieutenant Colonel of the 43d Regiment, 8th Brigade, in place of A. G. Kyle, promoted.

Edmund P. Bowman to be Major of the 43d Regiment, 8th Brigade, in place of George W. Hightower, resigned.

Charles Murnan to be Colonel of the 48th Regiment, 22d Brigade, in place of Robert B. Clark, resigned.

William Rardin to be Lieutenant Colonel of the 48th Regiment, 22d Brigade, in place of Charles Murnan, if promoted.

Joshua Givens to be Lieutenant Colonel of the 69th Regiment, 7th Brigade in place of Elijah Thomas, resigned.

John Thompson to be Major of the 69th Regiment, 7th Brigade, in place of Joshua Givens, if promoted.

Henry Cox to be Colonel of the 71st Regiment, 4th Brigade, in place of Benjamin Shropshire, resigned.

Thomas Eales to be Lieutenant Colonel of the 71st Regiment, 4th Brigade, in place of Henry Cox, if promoted.

James T. Ware to be Major of the 71st Regiment, 4th Brigade, in place of Thomas Eales, if promoted.

Robert McClary to be Colonel of the 114th Regiment, 25th Brigade, in place of Andrew Mers, resigned.

Harrison Crouch to be Lieutenant Colonel of the 114th Regiment, 25th Brigade, in place of Robert McClary if promoted.

Jackson Craycraft to be Major of the 114th Regiment, 25th Brigade, in place of Harrison Crouch, if promoted.

Samuel R. McPherson to be Colonel of the 120th Regiment, 22d Brigade, in place of Matthew McHatton, resigned.

John C. Riley to be Lieutenant Colonel of the 120th Regiment, 22d Brigade in place of Samuel R. McPherson, if promoted.

James Anderson to be Major of the 120th Regiment, 22d Brigade, in place of John C. Riley, if promoted.

Phillip Winfrey to be Colonel of the 130th Regiment, 10th Brigade, in place of Allen D. Patterson, resigned.

Edward T. Halsell to be Lieutenant Colonel of the 130th Regiment, 10th
Bn., in place of Phillip Winfrey, if promoted.

Joseph Judd to be Major of the 130th Regiment, 10th Brigade, in place of
E. G. T. Hulbert, if promoted.

Edward T. Halsell, if promoted. R. P. LETCHER.
July 12, 1842.

R. P. LETCHER.

February 13, 1843.

Resolved, That the Senate advise and consent to the said appointments.

The Speaker laid before the Senate a report from the President of the Board of Internal Improvement, which is as follows, *to-wit*:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
February 13th, 1843. }

SIR:

SIR. In answer to the resolution of the Senate of the 4th inst., I have respectfully to refer to the inclosed table. This answer is as full and complete as the Board could make it, from the reports of the respective Turnpike Companies at hand, having spared no pains to arrive at correct results, as nearly as practicable. The cost of the roads as stated in the 6th column, is taken from former reports of this Board, which were predicated upon reports made, from time to time, from the different Turnpike Road Companies. These statements of cost are, probably, not altogether correct, for the reason that several of the road companies were more or less in debt when their roads were finished; and these debts have been paid, or partly paid, out of the tolls received after the roads were opened for use. The dividend of the State, which, but for this operation, would have been placed in the Sinking Fund, to meet the interest on the bonds. It is believed, that in some instances, the State's dividend has been thus applied, in aid of the dividends of individual stockholders, when in fact the dividend of the last alone was properly accountable for the payment of such debts.

With profound respect,

THOMAS METCALFE, P. B. I. I.

Hon. M. V. THOMSON,

Lieut. Governor and Speaker of the Senate.

TABLE.

NAMES OF ROADS.	No. 1. Whole length of road.	No. 2. Length finished.	No. 3. Amount paid by the State to 1st January, 1843.	No. 4. Amount paid by individuals to Jan. 1st, 1843.	No. 5. Total paid by State and individuals.	No. 6. Cost of finished roads per mile.	No. 7. Amount of tolls collected in 1842.	No. 8. Cost of repairs gate keepers and officers' pay, in 1842.
Louisville and Elizabethtown, - - - -	43.40	-	\$141,553 46	\$ 71,780 00	\$213,333 46	unfinished.	\$ 1,542 00	\$ 1,774 78
Elizabethtown and Bell's Tavern, - - - -	49.54	-	105,858 89	52,930 00	158,788 89	unfinished.	672 53	
Bell's Tavern and Bowlinggreen, - - - -	23.94	-	71,469 00	37,586 00	109,055 00	unfinished.	2,128 03	1,164 90
Bowlinggreen to Tennessee line, - - - -	27.65	27.65	78,388 00	39,988 00	118,376 00	unfinished.		
Louisville to Bardstown, - - - -	29.00	29.00	100,000 00	100,000 00	200,000 00	\$ 6,985 44	8,279 20	4,389 13
Bardstown and Glasgow, - - - -	68.00	-	269,303 25	136,152 00	405,455 25	unfinished.	1,078 66	1,554 15
Glasgow to Tennessee line, - - - -	36.00	-	101,571 00	44,118 00	145,689 00	unfinished.		
Frankfort to Hardinsville, - - - -	8.50	8.50	20,000 00	20,000 00	40,000 00	4,941 00	3,788 45	2,324 00
Hardinsville through Shelby county, - - -	23.50	23.50	45,000 00	45,000 00	90,000 00	4,200 00	14,757 57	8,676 81
Franklin and Crab Orchard, in Franklin county,	3.75	3.75	18,064 00	6,532 00	24,596 00	6,256 53	626 45	525 75
Do do Anderson county, - - - -	13.78	13.78	42,950 00	26,475 00	69,425 00	5,045 45	2,107 37	2,250 58
Do do Mercer and Boyle, - - - -	23.00	23.00	71,800 00	53,163 00	124,963 00	5,391 30	3,307 23	1,966 39
Do do Lincoln, - - - -	20.03	20.03	51,299 00	51,899 00	103,198 00	5,322 18		
Bardstown and Springfield, - - - -	18.50	18.50	63,750 00	60,425 00	124,175 00	6,709 13	1,506 39	1,506 39
Frankfort, Lexington and Versailles, - - -	26.72	26.72	78,372 00	78,386 87	156,758 87	5,866 16	9,688 00	4,613 15
Versailles and Anderson, - - - -	12.20	6.11	20,000 00	20,260 00	40,260 00	6,125 24	672 75	532 75
Lexington, Harrodsburg and Perryville, - -	42.50	-	109,646 00	112,490 00	222,136 00	unfinished.	3,136 67	1,277 20
Danville, Lancaster and Nicholasville, - -	41.86	41.86	151,382 00	143,662 64	295,044 24	7,226 52	10,204 28	4,631 04
Winchester and Lexington, - - - -	17.50	17.50	45,100 00	33,100 00	78,200 00	5,154 30	3,623 39	3,573 11
Richmond and Lexington, - - - -	25.50	25.50	75,383 00	75,383 00	150,766 00	6,355 25	6,360 00	5,212 50
Maysville and Lexington, - - - -	64.00	64.00	213,200 00	213,200 00	426,400 00	6,662 34	23,412 58	13,155 76
Lexington and Georgetown, - - - -	12.00	12.00	28,255 00	28,255 00	56,510 00	4,542 50	4,863 03	2,542 95
Georgetown and Williamstown, - - - -	35.67	15.00	74,112 00	39,761 00	113,873 00	unfinished.	1,648 68	1,380 52
Williamstown and Covington, - - - -	36.12	-	83,200 00	69,304 00	152,504 00	unfinished.	5,868 25	4,466 75
Frankfort, Georgetown and Paris, in Franklin,	6.13	6.13	15,400 00	15,400 00	30,800 00	5,134 00	1,551 11	720 00
Do do do Scott, - - - -	19.00	10.00	43,325 00	42,700 00	86,025 00	8,602 00	2,702 60	1,200 00
Maysville and Mountsterling, - - - -	51.00	-	85,202 54	72,861 00	158,063 54	unfinished.	4,606 15	4,658 43
Maysville and Bracken, - - - -	17.81	6.25	25,948 00	25,948 00	51,896 00	unfinished.		
Owingsville and Big Sandy, - - - -	78.50	51.00	163,319 00	12,630 00	175,949 00	unfinished.	881 36	1,417 00
Muldrow's Hill and Rolling Fork Bridge, - -	5.28	5.28	50,863 24	-	50,863 24	9,443 80	1,407 34	465 72
Logan, Todd and Christian, - - - -	76.50	-	112,939 12	61,016 00	173,955 12	unfinished.		

TABLE—Continued.

NAMES OF ROADS.	No. 9. Cost of re- pairs, gate keepers & officers' pay per mile.	No. 10. Excess of re- ceipts over & above current expenses.	No. 11 Dividends paid to the State in 1842.	No. 12. Per cent of gross re- ceipts on stock, as shown in No. 7.	No. 13. Percent of excess on stock, as shown in No. 10.	No. 14. Per cent. paid on stock as shown in No. 11.	By whom managed.
Louisville and Elizabethtown, - - - - -	-	-	-	-	-	-	Local Board.
Elizabethtown and Bell's Tavern, - - - - -	-	-	-	-	-	-	do
Bell's Tavern and Bowlinggreen, - - - - -	-	\$ 963 13	-	-	-	-	do
Bowlinggreen to Tennessee line, - - - - -	-	\$ 151 34	3,908 07	-	4.1	1.8	do
Louisville to Bardstown, - - - - -	-	-	-	-	-	-	do
Bardstown and Glasgow, - - - - -	-	-	-	-	-	-	do
Glasgow to Tennessee line, - - - - -	-	273 41	1,464 45	\$ 400 00	9.4	3.6	2 [Spring 1844.
Frankfort to Hardinsville, - - - - -	-	369 22	6,080 76	\$ 2,844 99	16.4	6.7	Transferred to State B. till
Hardinsville through Shelby county, - - - - -	-	140 20	100 70	-	2.5	0.4	Local Board.
Franklin and Crab Orchard, in Franklin county,	Do do Anderson, - - - - -	-	-	-	3.3	-	State Board to 1844.
Do do Mercer and Boyle, - - - - -	85 49	1,380 84	334 07	2.5	1.1	0.3	Local Board.
Do do Lincoln, - - - - -	-	no report.	-	-	-	-	do
Bardstown and Springfield, - - - - -	-	81 42	-	-	1.2	-	do
Frankfort, Lexington and Versailles, - - - - -	-	172 64	5,074 85	-	6.2	3.2	State Board to 1844.
Versailles and Anderson, - - - - -	-	-	-	-	1.6	-	do
Lexington, Harrodsburg and Perryville, - - - - -	-	-	1,859 47	-	1.4	-	Local Board.
Danville, Lancaster and Nicholasville, - - - - -	-	110 63	5,633 24	2,878 67	3.4	1.9	do
Winchester and Lexington, - - - - -	-	204 01	50 28	336 30	4.6	-	do
Richmond and Lexington, - - - - -	-	204 39	1,147 50	-	4.2	0.7	do
Maysville and Lexington, - - - - -	-	205 55	10,256 82	5,463 25	5.5	2.4	do
Lexington and Georgetown, - - - - -	-	211 85	2,320 04	1,359 13	8.6	4.1	2.5
Georgetown and Williamstown, - - - - -	-	-	268 16	-	-	-	State Board to 1844.
Williamstown and Covington, - - - - -	-	-	1,401 50	626 00	-	-	Local Board.
Frankfort, Georgetown and Paris, in Franklin,	117 43	839 11	308 00	5	2.7	2	do
Do do do Scott, - - - - -	120 00	1,502 60	433 25	3.2	1.7	1	State Board to 1844.
Maysville and Mountsterling, - - - - -	-	-	-	-	-	-	Local Board.
Maysville and Bracken, - - - - -	-	-	-	-	-	-	do
Owingsville and Big Sandy, - - - - -	-	-	-	-	-	-	do
Muldrow's Hill and Rolling Fork Bridge, - - - - -	88 20	941 62	675 67	2.7	1.8	1.3	do
Logan, Todd and Christian, - - - - -	-	-	-	-	-	-	do

Ordered, That said report be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

A bill from the House of Representatives, entitled, an act for the benefit of Samuel Nelson, having been returned to the Senate, on the motion of Mr. James, the vote by which the said bill was passed, was re-considered, and it was re-committed to the committee on Finance.

And then the Senate adjourned.

TUESDAY, FEBRUARY 14, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to extend the limits of the town of Smithland.
2. An act amending the law concerning the processioning of lands.
3. An act for the benefit of Samuel B. King.
4. An act allowing additional Justices of the Peace and Constables to certain counties.
5. An act authorizing the appointment of a county Treasurer for the county of Barren.
6. An act for the benefit of the administrators and heirs of Lawrence Sandford, deceased.
7. An act for the benefit of James Cox and Jane Cox.
8. An act for the benefit of the children and heirs at law of Ambrose Jarrell, deceased.
9. An act for the benefit of the widow and heirs of Thomas Burrus, deceased.
10. An act for the benefit of Eliza Y., Elizabeth and Mary W. Eastin.
11. An act to provide for a change of venue in the prosecution against Isaac Wesley Caldwell.
12. An act to provide for a change of venue in the prosecution against Jacob A. Slane.
13. An act to provide for a change of venue in the prosecution against Maury McClary.
14. An act for the benefit of the heirs of Thomas Hamilton, deceased.
15. An act to regulate certain courts in the 15th Judicial District.

nal Im-
the use
or the
he mo-
re-con-

house lands.

16. An act to authorize the Scott County Court to exchange the poor

house lands.

17. An act for the benefit of Fielding Smithey, and others.

18. An act to change the time of holding the Hopkins Circuit Court.

19. An act defining the limits of the town of Stanford.

20. An act to enlarge the powers of the Trustees of the town of Morganfield, and for other purposes.

21. An act for the benefit of Henry O. Beatty.

22. An act for the benefit of Jonathan Williams, late Sheriff of Russell county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 4th, 16th, 18th, 19th and 20th were referred to the committee on Propositions and Grievances; the 2d, 3d, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th and 21st to the committee on the Judiciary; and the 5th and 22d to the committee on Finance.

Mr. Pirtle presented the petition of John J. Marshall, praying for the passage of a law cancelling a bond executed for certain public arms, which was received and referred to the committee on Military Affairs.

The following bills were reported, to-wit:

By Mr. Pirtle, from the committee on the Judiciary—1. A bill for the benefit of the children of Reuben Graves, deceased.

2. A bill to change the time of the annual meeting of the General Assembly.

By Mr. Garth, from a select committee—3. A bill for the relief of Constantine Stigall.

By Mr. Rodes, from a select committee—4. A bill to extend the Constable's district of the city of Lexington, and for other purposes.

By Mr. James, from the committee on Finance—5. A bill concerning the collection of revenue.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 2d bill was placed in the orders of the day; the 3d was referred to the committee on Propositions and Grievances; the 5th to the committee on Finance; and the 1st and 4th were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st and 4th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

[FEB. 14.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill to amend the law concerning Sheriffs and Constables, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Benj. Webb, and his securities, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

A bill from the House of Representatives, entitled, an act to authorize the sale of a slave belonging to Thomas H. Miles, an infant, having been returned to the Senate, on the motion of Mr. Palmer, the vote disagreeing to the said bill was re-considered.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act for the benefit of the voters in the Liberty precinct, in the county of Greenup.

Mr. Jesup, from the committee on Military Affairs, reported a bill for the benefit of the Paymaster of the 115th Regiment of Kentucky Militia, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The consideration of a bill to divide the State into Congressional Districts was resumed, and the said bill discussed for some time.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 15, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, *to-wit*:

1. An act concerning Steam Boats.
2. An act to provide that the Sheriff of Campbell county may execute his official bonds, and for other purposes.
3. An act for the benefit of the heirs of Charles C. Isaacs, deceased.
4. An act for the benefit of the heirs of Samuel Cummings, deceased.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

The following bills, from the House of Representatives, were reported from the several committees to whom they were referred, without amendment, *to-wit*:

By Mr. Pirtle, from the committee on the Judiciary—An act for the benefit of the administrators and heirs of Lawrence Sandford, deceased.

An act for the benefit of the widow and heirs of Thomas Burrus, dec'd.

An act for the benefit of Eliza Y., Elizabeth and Mary M. Eastin.

By Mr. Walker, from the committee on Propositions and Grievances—

An act to enlarge the powers of the Trustees of the town of Morganfield, and for other purposes.

An act to authorize the Scott County Court to exchange the poor house lands.

An act allowing additional Justices of the Peace and Constables to certain counties.

An act to extend the limits of the town of Smithland.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James Cox and Jane Cox, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the children and heirs at law of Ambrose Jarrell, deceased, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading it a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, *to-wit*:

An act defining the limits of the town of Stanford.

An act to change the time of holding the Hopkins Circuit Court.

An act to change the line between the counties of Adair and Barren.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Walker, from the same committee, reported a bill to amend the law regulating the Fire Company of Shelbyville, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, reported a bill to establish the county of _____, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed, and the blank therein filled,

Resolved, That the said bill do pass, and that the title be, "an act to establish the county of Fulton,"

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish Helm county, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title be amended to read, an act to establish Slaughter county.

Mr. Garth, from a select committee, reported a bill to ratify the marriage of John Leathers and wife, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Religion.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to authorize Richard Ringo to remove certain slaves of Charles Stone, an infant.

An act to authorize the County Courts of Calloway and Marshall counties to sell their Seminary lands.

An act allowing an additional Justice of the Peace to the county of Hardin.

An act for the benefit of James M. Rice.

And enrolled bills which originated in the Senate of the following titles, to-wit:

An act to change certain Constables' districts, and to allow additional Constables and Justices of the Peace to certain counties.

An act to attach a part of Henry county to Trimble county.

An act to reduce the number of Constables in Oldham county.

An act for the benefit of James Allen.

An act to attach a part of the county of Casey to the county of Lincoln.

An act to establish a Tobacco Inspection on Cumberland river, in Monroe county.

An act to authorize the County Court of Kenton to make an additional levy, for the purpose of paying certain claims now authorized by law, and for other purposes.

An act for the benefit of the Sheriffs of Carroll and Grant counties.

An act for the benefit of James Taggart, Sheriff of Muhlenburg county.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

The Senate resumed the consideration of a bill to divide the State into Congressional Districts.

The question was again taken on the adoption of the amendment moved by Mr. Payne on the 10th instant, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Payne and D. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Garth,	Newell,
Boyd,	Hughes,	Palmer,
Conner,	Johnson,	Payne,
Conway,	McAfee,	Rodes,
Drake,	McElroy,	Wallace—15.

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Sterett,
Bennett,	Huston,	Walker,
Chenault,	Loving,	Williams, M.
Dyer,	Morgan, D.	Williams, S. L.
Gilless,	Morgan, J. S.	Woodson,
Griffith,	Pirtle,	Young—18.

Mr. Payne moved another amendment.

And then the Senate adjourned.

THURSDAY, FEBRUARY 16, 1843.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to change the terms of certain courts in the 14th Judicial District.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

1. Mr. Woodson presented the petition of sundry citizens of the town of Midway, praying for the passage of a law vesting a fee simple right to lot No. 6, in said town, the property of the Commonwealth, in Trustees, for the benefit of the Methodist Episcopal Church, for the purpose of erecting a house of worship thereon.

2. Mr. Pirtle presented the petition of Thomas T. Dunn, praying for the passage of a law to refund him money expended in procuring testimony against the murderers of David H. Stanley.

Which were received and referred: the 1st to the committee on Religion, and the 2d to the committee on Finance.

Mr. Walker, from the committee on Propositions and Grievances, to

whon was referred the petition of sundry citizens of Winchester, praying for the amendment of the laws of said town, reported the following resolution thereon, to-wit :

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Walker, from the same committee, to whom was referred a bill for the relief of Constantine Stigall, reported the same, and it was placed in the orders of the day.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Johnson, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and M. Williams, were as follows, to-wit :

Those who voted in the affirmative, were—

Messrs. Alexander,	Gilless,	Morgan, D.
Bennett,	Hardin,	Newell,
Chenault,	Hughes,	Palmer,
Conway,	Huston,	Payne,
Drake,	Johnson,	Williams, M.
Dyer,	Loving,	Woodson—20.
Garth,	McAfee,	

Those who voted in the negative, were—

Messrs. Bailey,	McElroy,	Sterett,
Boyd,	Morgan, J. S.	Wallace,
Conner,	Pirtle,	Walker,
Griffith,	Rodes,	Williams, S. L.
Jesup,	Slaughter,	Young—15.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, viz :

An act allowing an additional Justice of the Peace to the county of Hardin.

An act for the benefit of James M. Rice.

An act to authorize Richard Ringo to remove certain slaves of Charles Stone, an infant.

An act to authorize the County Courts of Calloway and Marshall counties to sell their Seminary lands.

Approved February 15, 1843.

Mr. McAfee moved the following resolution, to-wit:

WHEREAS, by a resolution of the Senate of the 16th day of January last, the Board of Education was requested to furnish the Senate with an accurate and detailed account of the sums of money received as interest from the School Fund, and also in what manner the same has been disposed of, and to whom paid; also the amount now subject to be drawn for by the Superintendent of Common Schools; and as no report has as yet been made, it is hereby requested that the Commissioners of the Sinking Fund comply with the aforesaid resolution as soon as practicable.

Which was twice read and adopted.

Mr. Jesup, from the committee on Military Affairs, reported a bill for the benefit of John J. Marshall, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, "and W. W. Clack."

A bill for the benefit of Lewis V. Wernwag, was taken up, and re-committed to the committee on Internal Improvement.

A bill for the benefit of the Banks of Kentucky, and a bill to amend the charter of the Bank of Louisville, were taken up, and re-committed to the committee on Banks.

On the motion of Mr. Young, a message was sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act to change the line between the counties of Adair and Barren.

The said bill having been returned to the Senate, on the motion of Mr. Young, the vote by which it was disagreed to was re-considered, and the said bill was referred to the committee on Propositions and Grievances.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Hughes—1. A bill to amend the execution laws of this Commonwealth.

On the motion of Mr. Rodes—2. A bill to amend the act to incorporate the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky.

On the motion of Mr. S. L. Williams—3. A bill to legalize the records of the Montgomery County Court, and authorize the recording of certain deeds, mortgages and powers of attorney by the Clerk of said court.

On the motion of Mr. Johnson—4. A bill to incorporate the Frankfort and Lee's creek Turnpike Road Company.

Messrs. Hughes, Drake and James were appointed a committee to prepare and bring in the 1st; Messrs. Rodes, Slaughter and Woodson the 2d; the committee on the Judiciary was directed to prepare and bring in the 3d, and the committee on Internal Improvement the 4th.

Mr. Pirtle returned to the Senate the remonstrance of sundry citizens of Louisville, relative to the salt tax, which was referred to the committee on Agriculture.

Mr. Rodes, from a select committee, reported a bill to amend an act to incorporate the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky, approved February 24th, 1834, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The Senate resumed the consideration of a bill to divide the State into Congressional Districts.

The first section of said bill is as follows, and not as in the Journal of the 10th instant, which was inserted by mistake, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That this State shall be, and is, divided into ten Congressional Districts, as follows: The first district shall be composed of the counties of Hickman, Ballard, Graves, McCracken, Marshall, Calloway, Trigg, Caldwell, Crittenden, Livingston, Union and Hopkins. The second district shall be composed of the counties of Christian, Muhlenburg, Henderson, Daviess, Ohio, Butler, Hancock, Breckinridge, Grayson, Edmonson and Meade. The third district shall be composed of the counties of Todd, Logan, Simpson, Warren, Allen, Barren, Monroe and Hart. The fourth district shall be composed of the counties of Cumberland, Clinton, Wayne, Pulaski, Russell, Adair, Green, Casey, Lincoln and Boyle. The fifth district shall be composed of the counties of Hardin, Nelson, Bullitt, Spencer, Washington, Marion, Anderson and Mercer. The sixth district shall be composed of the counties of Garrard, Madison, Rockcastle, Laurel, Knox, Estill, Owsley, Clay, Perry, Letcher, Whitley, Harlan, Pike and Floyd. The seventh district shall be composed of the counties of Jefferson, Shelby, Henry, Oldham, Trimble and Carroll. [The eighth district shall be composed of the counties of Bourbon, Fayette, Jessamine, Woodford, Scott, Franklin and Owen. The ninth district shall be composed of the counties of Clarke, Montgomery, Bath, Morgan, Fleming, Greenup, Carter, Lewis, Lawrence and Breathitt. The tenth district shall be composed of the counties of Mason, Nicholas, Bracken, Pendleton, Campbell, Kenton, Grant, Boone, Gallatin and Harrison.]

The amendment moved by Mr. Payne on yesterday proposes to amend the first section of the bill by striking out the following counties wherever they occur in the bill, to-wit: Mason, Bourbon, Clarke and Breathitt; and

add Mason to the ninth district, and add Bourbon to the tenth district, and add Clarke to the eighth district, and add Breathitt to the sixth district.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Payne and Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hughes,	Pirtle,
Boyd,	Johnson,	Wallace,
Drake,	McAfee,	Walker,
Dyer,	Newell,	Woodson—14.
Garth,	Payne,	

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Rodes,
Bailey,	Huston,	Slaughter,
Chenault,	Loving,	Sterett,
Gilless,	McElroy,	Williams, S. L.
Griffith,	Morgan, J. S.	Young—15.

Mr. Wallace moved to amend the first section of the said bill by striking out "Mason, Bracken and Nicholas," and inserting, "Scott, Owen, and Carroll."

Mr. McElroy moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and S. L. Williams, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Huston,	Slaughter,
Bennett,	Loving,	Sterett,
Chenault,	McElroy,	Walker,
Gilless,	Morgan, D.	Williams, M.
Griffith,	Morgan, J. S.	Williams, S. L.
Hardin,	Pirtle,	Young—18.

Those who voted in the negative, were—

Messrs. Bailey,	Garth,	Newell,
Boyd,	Hughes,	Rodes,
Conner,	Johnson,	Wallace,
Drake,	McAfee,	Woodson—13.
Dyer,		

The question being taken on engrossing and reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wallace and Sterett, were as follows: viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Rodes,
Bennett,	Huston,	Sterett,
Chenault,	Loving,	Walker,
Dyer,	Morgan, D.	Williams, M.
Gilless,	Morgan, J. S.	Williams, S. L.
Griffith,	Pirtle,	Young—18.

Those who voted in the negative, were—

Messrs. Bailey,	Hughes,	Payne,
Boyd,	Johnson,	Slaughter,
Conner,	McAfee,	Wallace,
Drake,	McElroy,	Woodson—14.
Garth,	Newell,	

Mr. Hughes moved to dispense with the constitutional rule as to the third reading of the said bill.

The question being taken thereon, it was decided in the negative, four-fifths of the votes not being therefor.

The yeas and nays being required thereon by Messrs. McAfee and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Huston,	Pirtle,
Bennett,	James,	Rodes,
Chenault,	Loving,	Sterett,
Dyer,	McElroy,	Walker,
Gilless,	Morgan, D.	Williams, M.
Griffith,	Morgan, J. S.	Williams, S. L.
Hardin,	Payne,	Young—22.
Hughes,		

Those who voted in the negative, were—

Messrs. Bailey,	Garth,	Slaughter,
Boyd,	Johnson,	Wallace,
Conner,	McAfee,	Woodson—11.
Drake,	Newell,	

An engrossed bill, entitled, an act to authorize certain improvements to be made by the Board of Internal Improvement on the Lexington and Ohio Railroad, was read the third time, and amended by way of engrossed ryder to read as follows, viz:

WHEREAS, the Board of Internal Improvement have doubts as to the power vested in them to have certain improvements made on the Lexington and Ohio Railroad, which have been recommended by the Engineer, and which are considered necessary to carry out the views of the Legislature—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Board of Internal Improvement be, and they are hereby, authorized, should they deem it expedient to do so, to have erected at the head of the plane, a cheap dwelling house, that a family may be accommodated the better to enable the State's property to be protected; also to erect a ware house at the termination of said road at the Kentucky river of suitable dimensions, and cause the grade to be paved for a wharf: *Provided,* That the same be made out of the appropriation made by the Legislature for the repairs of said road at their last session.

SEC. 2. *Be it further enacted,* That the wharf and ware house herein provided, shall be returned in good order at the close of the lease: *Provided,* The expenditure herein authorized shall not exceed the sum of \$2,200.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Hardin and Alexander, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Drake,	Morgan, J. S.	Williams, M.
Dyer,	Payne,	Williams, S. L.
Hughes,	Rodes,	Woodson—II.
Loving,	Wallace,	

Those who voted in the negative, were—

Messrs. Alexander,	Gillless,	McElroy,
Bailey,	Hardin,	Newell,
Boyd,	Huston,	Pirtle,
Chenault,	James,	Sterett,
Conner,	Jesup,	Walker,
Conway,	Johnson,	Young—20.
Garth,	McAfee,	

And then the Senate adjourned.

FEB. 17.]

JOURNAL OF THE SENATE.

239

FRIDAY, FEBRUARY 17, 1843.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act to attach a part of Henry county to Trimble county.

An act to reduce the number of Constables in Oldham county.

An act to change certain Constables' districts, and to allow additional Constables and Justices of the Peace to certain counties.

An act for the benefit of James Taggart, Sheriff of Muhlenburg county.

An act for the benefit of the Sheriffs of Carroll and Grant counties.

An act to authorize the County Court of Kenton to make an additional levy, for the purpose of paying certain claims now authorized by law, and for other purposes.

An act to establish a Tobacco Inspection on Cumberland river, in Monroe county.

An act for the benefit of James Allen.

An act to attach a part of the county of Casey to the county of Lincoln.

Approved February 15, 1843.

1. Mr. Bailey presented the petition of sundry citizens of Bryantsville, praying for the passage of a law allowing an additional Justice of the Peace to Garrard county.

2. Mr. Wallace presented the petition of sundry citizens of Florence, praying for the formation of a road district in the neighborhood of said town.

3. Mr. Wallace presented the petition of Henry M. Tompkins, praying for the passage of a law remunerating him for services rendered as Commissioner of tax for Boone county.

Which were received and referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on Internal Improvement, and the 3d to the committee on Finance.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to change the place of voting in the Hutchens precinct, in Monroe county, and for other purposes.

An act to change the place of voting in the Red river precinct, in Montgomery county, and for other purposes.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives entitled, an act to change the line between the counties of Adair and Barren, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act authorizing the appointment of a county Treasurer for the county of Barren, reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. James from the same committee, to whom was referred, a bill to amend the law concerning Pedlers, reported the same with the opinion of the committee that it ought not to pass.

The said bill reads as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That so much of the law, approved February 15th, 1842, concerning Pedlers for a license of twenty dollars, shall be, and the same is hereby, repealed; but there shall be paid by every such Pedler, whether acting as principal or agent, the sum of ten dollars for one year in every county in this State in which he may sell; and that the Clerks of the several County Courts shall, when they grant a license to any Pedler under the provisions of said act, annex the county seal thereto.

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Garth and James, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,
Bailey,
Conway,
Drake,

Garth,
Gilless,
Johnson,
McAfee,

Palmer,
Walker,
Williams, M—11.

Those who voted in the negative, were—

Messrs. Bennett,	James,	Pirtle,
Boyd,	Jesup,	Rodes,
Chenault,	Loving,	Slaughter;
Conner,	McElroy,	Sterett,
Griffith,	Morgan, D.	Wallace,
Hardin,	Morgan, J. S.	Williams, S. L.
Hughes,	Newell,	Woodson,
Huston,	Payne,	Young—24.

Mr. Payne, from the joint committee on Banks, to whom was referred a bill to amend the charter of the Bank of Louisville, reported the same with an amendment.

Mr. Hughes moved an amendment to the amendment reported by the committee.

Ordered, That said bill and amendments be referred to a committee of the whole House on the state of the Commonwealth, and made the special order of the day for Tuesday, the 21st instant.

Mr. Payne, from the same committee, to whom was referred a bill for the benefit of the Banks of Kentucky, reported the same with amendments.

Amendments were moved to the said bill and amendments, by Messrs. Pirtle and McAfee.

Ordered, That said bill and amendments be referred to a committee of the whole House on the state of the Commonwealth, and made the special order of the day for Tuesday the 21st instant.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jonathan Williams, late Sheriff of Russell county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. James, from the same committee, to whom was referred a bill concerning the collection of revenue, reported the same with an amendment, which was concurred in.

Mr. Rodes moved to amend the said bill by adding thereto the following section, viz:

Be it further enacted, That Commissioners of Tax shall be paid, for their services, ten cents for each list, instead of eight cents, as now allowed by law.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rodes and Sterett, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Dyer,	Wallace,
Bennett,	Pirtle,	Young—8.
Conner,	Rodes,	

Those who voted in the negative, were—

Messrs. Bailey,	Huston,	Morgan, J. S.
Boyd,	James,	Newell,
Chenault,	Jesup,	Payne,
Drake,	Johnson,	Slaughter,
Garth,	Loving,	Sterett,
Gilless,	McAfee,	Walker,
Griffith,	McElroy,	Williams, M.
Hardin,	Morgan, D.	Williams, S. L—25.
Hughes,		

Mr. Rodes moved to amend the said bill by adding thereto the following section, viz:

SEC. 2. Be it further enacted, That in case competent Commissioners cannot be obtained in the county of Fayette for the compensation now allowed by law, the County Court of said county, a majority of all the Justices of the Peace in said county concurring therein, shall have full power and authority to procure the services of a suitable person or persons, as Commissioners of Tax, and allow such person or persons not exceeding one dollar and twenty five cents each per day: Provided however, That the number of days that any such Commissioner may be faithfully and diligently engaged in performing such services, shall be sworn to by him before any Justice of the Peace for said county: And provided further, That in all cases where eight cents per list shall not amount to the per diem herein allowed, the deficit may be made up out of the county levy.

Mr. Walker moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hughes, from the committee appointed for that purpose, reported a bill to amend the execution laws of this Commonwealth, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

And then the Senate adjourned.

SATURDAY, FEBRUARY 18, 1843.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act further to regulate the Madison turnpike and Wilderness road, with an amendment.

That they had passed a bill, entitled an act to amend the laws establishing the 7th and 16th Judicial Districts, and regulating the terms of the courts.

A message, in writing, received from the Governor on yesterday, was taken up, and is as follows, viz:

*Gentlemen of the Senate
and House of Representatives:*

I transmit to the General Assembly, herewith, the following papers:

1. Preamble and resolutions of the "State of Rhode-Island and Providence Plantations," relative to the repayment to General Andrew Jackson the amount of the fine imposed upon him by the District Court of the U. States, for the district of Louisiana in 1815.
2. Resolutions of the Legislature of the State of Maine upon the same subject.
3. Resolutions of the Legislature of the State of Maine in relation to the Military Academy at West Point, in the State of New York.

R. P. LETCHER.

February 17, 1843.

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

EXECUTIVE DEPARTMENT,
Providence, January 16, 1843. }

SIR:

In obedience to an act of the General Assembly of this State, I have the honor to forward you the accompanying resolutions.

With much respect, your obedient servant,
SAM. W. KING.

His EXCELLENCY,
the Governor of the State of Kentucky.

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, January Session, A. D. 1843.

WHEREAS, General Andrew Jackson has, at various times, rendered great and important services to his country, and his conduct in the defence of New Orleans, has received the approbation of the American People: And whereas the fine imposed upon him by the District Court of the United States for the District of Louisiana may well be repaid, so that in his declining years he may be solaced by the reflection that every imputation upon his character has been removed—therefore,

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the passage of a law for the repayment of said fine, together with the costs and interest from the time of payment thereof.

Resolved further, That his Excellency the Governor be requested to transmit copies of these proceedings to General Andrew Jackson, to the Governors of the several States, and to our Senators and Representatives in Congress.

True copy—witness,

HENRY BOWEN,
Secretary of State.

STATE OF MAINE.

EXECUTIVE DEPARTMENT,
Augusta, 23d January, 1843. }

SIR:

Agreeably to directions of the Legislature of this State, I have the honor, herewith, to enclose resolutions in favor of refunding to General Andrew Jackson the fine imposed upon him by Judge Hall for an alleged contempt of the authority of said Judge, with costs and the interest thereon from the time of its payment, with a request that you would lay the same before the Legislature of your State.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN FAIRFIELD.

To the Governor of the State of Kentucky, Frankfort.

STATE OF MAINE.

Resolves in relation to the fine imposed on General Andrew Jackson.

Resolved, That it is due alike to the devoted patriotism and distinguished services of General Andrew Jackson, and to the honor of a greatful country, that the fine imposed upon him by Judge Hall for an alleged contempt of the authority of the said Judge, be unconditionally refunded.

Resolved, That our Senators in Congress be directed, and our Representatives be requested, to use their exertions to procure the passage of a law unconditionally refunding to General Andrew Jackson the fine imposed upon him by Judge Hall, together with costs and interest on the same from the day of the payment thereof.

Resolved, That the Governor be requested to transmit a copy of these resolutions to General Andrew Jackson, to each of our Senators and Representatives in Congress, and to each of the Governors of the several States of this Union, with a request that the subject of the same be laid before their respective Legislatures.

In the House of Representatives, January 23, 1843.

Read and passed.

DAVID DUNN, *Speaker.*

In Senate, January 23, 1843.

Read and passed.

EDWARD KAVANAGH, *President.*

January 23, 1843. Approved.

JOHN FAIRFIELD.

A true copy—Attest,

PHILIP C. JOHNSON,
Secretary of State.

STATE OF MAINE.

EXECUTIVE DEPARTMENT,
Augusta, February 4th, 1843. }

Sir:

In pursuance of the directions of the Legislature of this State, I have the honor, herewith, to transmit to you a copy of "resolves in relation to the Military Academy at West Point in the State of New York," adopted by that body on the second instant.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN FAIRFIELD.

His EXCELLENCE,

the Governor of Kentucky.

STATE OF MAINE.

Resolves in relation to the Military Academy at West Point in the State of New York.

Resolved, That in the opinion of this Legislature, the Military Academy at West Point in the State of New York ought to be abolished, and a plan of military instruction adopted, that will be impartial in its operations and consistent with the spirit and genius of our liberal institutions.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to oppose any further appropriations for the support of said Academy.

Resolved, That the Governor of this State cause to be transmitted, a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and to the Governors of the several States of the Union.

In the House of Representatives, February 1, 1843.
Read and passed.

DAVID DUNN, *Speaker.*

In Senate, February 2, 1843.
Read and passed.

EDWARD KAVANAGH, *President.*

February 2, 1843. Approved.

JOHN FAIRFIELD.

A true copy—Attest,

PHILIP. C. JOHNSON,
Secretary of State.

Ordered, That the said message be referred to the committee on Federal Relations.

A message, received from the Governor on yesterday, was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons as officers for the new county of Owsley, viz:

For Sheriff, James McGuire, jr.

For Coroner, James Auglin, sen.

For Justices of the Peace, William Clark, David Snowden, Hiram McGuire, William Morris, Lastin Robertson, Pleasant Reynolds, and George H. Brandenburg.

R. P. LETCHER.

February 17, 1843.

Resolved, That the Senate advise and consent to the said appointments.

1. Mr. Sterett presented the petition of sundry citizens of Hancock county, praying for an act of incorporation under the name and style of the "Western Coal Company."

2. Mr. M. Williams presented the petition of sundry citizens of Morgan county, praying for the passage of a law allowing Daniel Ried to change the State road leading from Mountsterling to Prestonsburg, where the same passes through his land.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Internal Improvement.

On the motion of Mr. Hardin, a message was sent to the House of Representatives, asking leave to withdraw the report of the disagreement of

the Senate to a bill from that House, entitled, an act for the benefit of Jonathan Williams, late Sheriff of Russell county.

The said bill having been returned to the Senate, the vote disagreeing to it was re-considered, and it was referred to the committee on Finance.

On the motion of Mr. McElroy, a message was sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act to change the time of holding the Hopkins Circuit Court.

The said bill having been returned to the Senate, the vote disagreeing to the same was re-considered, and it was referred to the committee on the Judiciary.

Mr. Pirtle, from the committee on the Judiciary, reported a bill to extend the right to redeem land sold for the payment of debts, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. J. S. Morgan moved an amendment to the said bill.

Mr. McAfee moved the following resolution, viz :

Resolved, That the bill to extend the right to redeem land sold for the payment of debts be re-committed to the Judiciary committee, with instructions to report an amendment providing for the redemption of slaves or other personal estate sold under execution, when it does not sell for more than two-thirds of its value, or to require property to bring some reasonable proportion of its value when sold under execution.

And the said bill and resolution were postponed and made the special order of the day for Wednesday the 22d instant.

Mr. Pirtle, from the same committee, reported a bill concerning writings in foreign languages, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bill be engrossed and read a third time.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act concerning steamboats, reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. Pirtle, from the committee on the Judiciary, reported the following bills, viz:

A bill for the benefit of the Jailers of this Commonwealth.

A bill concerning certain deeds and powers of attorney in the Montgomery County Court.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, *to-wit*:

An act amending the law concerning the processioning of lands.

An act for the benefit of Fielding Smithey, and others.

An act to provide for a change of venue in the prosecution against Manry McClary.

An act to provide for a change of venue in the prosecution against Jacob, a slave.

An act to provide for a change of venue in the prosecution against Isaac Wesley Caldwell.

An act for the benefit of the heirs of Charles C. Isaacs, deceased.

Reported the same with amendments to each, which were concurred in.

Ordered, That said bills be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to provide that the Sheriff of Campbell county may execute his official bond, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, *viz*:

An act for the benefit of the heirs of Thomas Hamilton, deceased.

An act for the benefit of the heirs of Samuel Cummins, deceased.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, *to-wit*:

An act for the benefit of Lewis Souds.

An act to improve the State road from Williamsburg to London, in Whitley and Laurel counties.

Reported the same with amendments to each, which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. J. S. Morgan, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of sundry citizens of Pike county, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading it a third time, it was decided in the negative, and so the said bill was disagreed to.

The following bills were reported, viz :

By Mr. Walker, from the committee on Propositions and Grievances—
1. A bill allowing an additional Justice of the Peace to the county of Garrard.

By Mr. J. S. Morgan, from the committee on Internal Improvement—
2. A bill to incorporate the Frankfort and Lee's branch Turnpike Road Company.

3. A bill to repeal the act allowing the Owingsville and Big Sandy Turnpike Road Company to erect a gate on said road, and for other purposes.

By Mr. Wallace, from the same committee—4. A bill to improve the roads leading to and from the town of Florence, in the county of Boone.

By Mr. James, from the committee on Finance—5. A bill to amend the jury laws.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 3d was placed in the orders of the day, and the 1st, 2d, 4th and 5th were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st, 2d, 4th and 5th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

Mr. James, from the committee on Finance, reported a bill to institute an enquiry into a fraud charged to be practised on this Commonwealth by Jacob Lewis, in procuring certain lands in the county of Hickman, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. Pirtle moved the following amendment as a substitute for said bill, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That it shall be the duty of the Attorney General of this Commonwealth, to cause a *scire facias* to be issued from the Clerk's office of the General

Court, to enquire whether any grants or other muniments of title to any lands in this Commonwealth issued to Jacob Lewis, under an "act to encourage the manufacture of Queensware, approved February 11th, 1834, have been obtained in any manner not authorized by said act; and if the said court shall, on the trial of said cause, find that such grants or muniments have issued in any manner contrary to the provisions of said act, it shall cancel the same by judgment thereon; and if such shall be the judgment of said court, said lands shall vest in the Commonwealth, and shall yet be granted by the laws now in force until the General Assembly shall provide therefor. The right to appeal or sue out a writ of error, shall be allowed to either the Commonwealth or said Lewis, or any one who shall be a party to said *scire facias*.

The question being taken on the adoption of said substitute, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Payne and Garth, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Morgan, J. S.	Payne,
Chenault,	Palmer,	Pirtle—7.
Loving,		

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Morgan, D.
Boyd,	Hughes,	Newell,
Conway,	Huston,	Sterett,
Drake,	James,	Wallace,
Dyer,	Jesup,	Walker,
Garth,	Johnson,	Williams, M.
Gilless,	McAfee,	Williams, S. L.
Griffith,	McElroy,	Young—24.

The preamble of the said bill was amended.

Mr. Pirtle moved the same amendment as a substitute for the said bill, except the Attorney for "the Commonwealth" was inserted in the place of the "Attorney General," and the "Circuit Court" in place of the "General Court."

Mr. Garth moved the previous question, which was ordered.

The question being taken on engrossing and reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and James, were as follows: viz:

Those who voted in the affirmative, were—

Messrs. Boyd,	Garth,	Hughes,
Conway,	Gilless,	Huston,
Drake,	Griffith,	James,

Jesup,	Morgan, D.	Walker,
Johnson,	Newell,	Williams, M.
McAfee,	Sterett,	Williams, S. L.
McElroy,	Wallace,	Young—21.

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Palmer,
Bennett,	Loving,	Payne,
Chenault,	Morgan, J. S.	Pirtle—10.
Dyer,		

Mr. James moved to dispense with the constitutional rule as to the third reading of the said bill.

The question being taken thereon, it was decided in the negative, four-fifths of the votes not being therefor.

The yeas and nays being required thereon by Messrs. Payne and Alexander, were as follows, viz:

Those who voted in the affirmative, were—

Messrs Boyd,	Hughes,	Newell,
Conner,	Huston,	Palmer,
Conway,	James,	Sterett,
Drake,	Jesup,	Wallace,
Dyer,	Johnson,	Walker,
Garth,	McAfee,	Williams, M.
Gilless,	McElroy,	Williams, S. L.—23.
Hardin,	Morgan, D.	

Those who voted in the negative, were—

Messrs. Alexander,	Griffith,	Payne,
Bailey,	Loving,	Pirtle,
Bennett,	Morgan, J. S.	Young—10.
Chenault,		

The Speaker laid before the Senate a communication from the Secretary of State and Attorney General, in answer to a resolution moved by Mr. McAfee on the 16th instant, relative to the Sinking Fund, which was referred to the committee on Education.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Wallace—1. A bill for the benefit of the Boone County Court.

On the motion of Mr. Griffith—2. A bill to legalize the acts and proceedings of the Hopkins County Court, held in February, 1843.

The committee on Finance was directed to prepare and bring in the 1st, and the committee on the Judiciary the 2d.

A bill to authorize the Second Auditor to have the lands sold which are

or may be forfeited to the Commonwealth of Kentucky for the non-payment of taxes, interest and costs due thereon, was taken up and referred to the committee on Finance.

A bill to repeal the act allowing the Owingsville and Big Sandy Turnpike Road Company to erect a gate on said road, and for other purposes, was taken up, amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, FEBRUARY 20, 1843.

A message was received from the House of Representatives, announcing that they had concurred in the report of the committee of conference on the disagreement of the two Houses to a bill from that House, entitled, an act to reduce the number of Constables in the county of Mercer, and for other purposes.

Resolved, That the Senate concur in the said report.

That they had passed bills of the following titles, *to-wit*:

1. An act to amend the law in relation to the Goose creek turnpike road in the counties of Knox and Clay, and for other purposes.

2. An act to remove the seat of justice of Calloway county.

3. An act to amend the charter of the city of Louisville, and for other purposes.

4. An act to amend and reduce into one the laws exempting certain property from execution and distress.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Internal Improvement; the 2d to the committee on Propositions and Grievances, and the 3d and 4th to the committee on the Judiciary.

The Speaker laid before the Senate the following communication from the Chairman of the Commissioners of the Sinking Fund, *to-wit*:

To the Senate of Kentucky:

The undersigned, Chairman *ex officio* of the Commissioners of the Sinking Fund, has received a copy of a resolution of the Senate in the following words:

"In Senate, February 16th, 1843.

"WHEREAS, by a resolution of the Senate of the 16th day of January last, the Board of Education was requested to furnish the Senate with an accurate and detailed account of the sums of money received as interest from the School Fund, and also in what manner the same has been disposed of, and to whom paid; also the amount now subject to be drawn for by the Superintendent of Common Schools; and as no report has as yet been made, it is hereby requested that the Commissioners of the Sinking Fund comply with the aforesaid resolution as soon as practicable."

The undersigned has caused a copy of the account of the Board of Education, as it exists on the books of the Commissioners of the Sinking Fund, to be made, and the same is transmitted herewith. This contains all the information which the books and papers of the Sinking Fund show relative to the subject matter of the resolution. It will be recollect that the Commissioners of the Sinking Fund and the Board of Education are separate, distinct and independent corporations, capable of suing and being sued. The members of the former are the Governor and the Presidents of the Bank of Kentucky, Northern Bank of Kentucky and Bank of Louisville; and of the latter, the Superintendent of Common Schools, who is the President of the Board, and the Secretary of State and Attorney General, who are members *ex officio*. The office of the former is kept at Frankfort, that of the latter at Louisville.

R. P. LETCHER, *Chairman S. F.*

February 18, 1843.

The Board of Education in account with the Commissioners of the Sinking Fund.

DEBITS.

1838,

March 12, To profits of School Fund paid over,	\$22,788 75
To residue of surplus revenue uninvested,	159 02
To Internal Improvement bonds handed over,	850,000 00

1839,

March 2, To interest on bonds due 1st July, 1838, \$21,250 00	
To one and a half per cent. exchange	
thereon,	318 75
To interest on bonds due 1st Jan. 1839, 21,250 00	
To one and a half per cent, exchange	
thereon,	318 75
	43,137 50
	<hr/> <hr/> \$916,085 27

[FEB. 20.

August,	Amount advanced in purchase of Bank stock,	\$301 61
1841,		
July 26,	This amount paid into the Treasury to your credit, on account of interest on State bonds,	\$2,000 00
1842,		
Feb. 22,	To cash,	100 00
May 17,	To cash,	404 40
	This amount to the debit of the Board of Education on books of Sinking Fund,	\$2,504 40

CREDIT.

1839,		
March 2,	By Sinking Fund,	\$916,085 27
	By amount advanced in purchase of Bank stock re- funded,	301 61

Memorandum—The \$2,504 40 to the debit of the Board of Education, has been paid on account of the interest which had accrued on the bonds of the State held by that institution.

February 17, 1843.

Ordered, That said report be referred to the committee on Education, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

1. Mr. James presented the petition of Timothy Burgess, of Lincoln county, praying for the passage of a law relieving him from the penalty incurred by the importation of certain slaves into this State.

2. Mr. J. S. Morgan presented the petition of sundry citizens of Paris, praying for the passage of a law restraining Clerks of courts from practicing law in the courts where they reside.

3. Mr. Johnson presented the affidavit of Mrs. Hannah Price, relative to injury done her property in the town of Frankfort by the formation of an embankment of the railroad.

Which were received and referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on the Judiciary, and the 3d to the committee on Internal Improvement.

Mr. Jesup, from the joint committee appointed to examine the Lunatic Asylum, made the following report, to-wit:

The joint committee appointed to examine into the condition of the Lunatic Asylum, beg leave to submit the following report:

Since the last annual visit to the Lunatic Asylum, the committee are gratified to say, that the accommodations for its unfortunate inmates, have been handsomely extended; the rooms in the buildings were all well furnished,

and very neat and comfortable; the grounds extended and beginning to be improved, with a view to beauty and taste in the arrangement of its walks, and the variety of its trees, and with well cultivated vegetable and flower gardens; the former not more important for the objects of healthy nutriment, than the latter is both ornamental and useful, because of the happy, soothing and tranquilizing influence on the diseased minds of the patients.

By a reference to the report of the managers, made to the Legislature at its present session, it will be seen, that during the past year, sixty one patients have been admitted in the Asylum, making, with one hundred and fifty two remaining at the close of 1841, two hundred and thirteen; thirty four of whom have been discharged, and twenty two have died, (nine of whom were Idiots and Epileptics,) and one has eloped, leaving in the institution this day, one hundred and fifty six; seventy nine males and seventy seven females.

By an additional appropriation of the last Legislature of four thousand dollars, the Commissioners have been enabled to finish a three story new building, containing thirty four rooms; of erecting a two story brick building, adjoining the main building, adding greatly to the appearance, convenience and comfort of the house, and of purchasing nine acres of land; which has enabled them to extend their grounds in front of the building, adding greatly to the appearance as well as convenience of the institution.

It is gratifying to every feeling Kentuckian, that ours was amongst the first of the States to establish an Asylum for the poor Lunatic, and that she has ever sustained her charity institutions with a zeal and liberality characteristic of the noble feeling of her people.

Yet it is to be lamented, that notwithstanding all our zeal and liberality, in sustaining this institution, we are compelled to admit the melancholy fact, that in the list of similar institutes throughout the United States, Kentucky is in the back ground, that fewer cures have been effected, agreeably to the number of patients in ours, than in any other American institution.

Since 1824, a most thorough and complete change, in theory and in practice, has taken place, and the happy consequences made visible in every civilized country in the world.

Insane Asylums are not what they were; our unfortunate fathers and mothers, sisters and brothers, wives and children, accursed by the God of nature, are no longer considered incurable, and doomed to vaults and damp dungeons; but wonderful revolutions in public sentiment upon the proper management of the insane has occurred, ever since that philanthropist, Pinel, struck off their chains and liberated the Lunatics of France; the iron grated prison, with its inhuman overseers, has been converted into a palace, and the poor Lunatic is more like a prince than a beggar.

They are now committed to the care of the skilful physician and the kind and fatherly treatment of educated and humane superintendents.

In Great Britain, on the Continent, in Europe, and in the United States, the perfection of the moral and medical management of insane Asylums, for the last ten years, have increased with a rapidity and success which the most enthusiastic hopes of philanthropy never could have anticipated; yet we stand still, nothing in our own noble charity corresponds with the improvements in the nature of mental maladies and their treatment, compared with similar institutions in our own country. There must be a cause for

this. There is something wrong. Is it reasonable then to suppose that insanity is of a worse character in Kentucky than in other States; there is no good reason for such a supposition. Then the evil must exist either in a want of proper remedies, or a proper administration of the internal government of the Asylum, or both.

Your chairman was seriously impressed, when upon the discharge of his duty last year, in his examinations into the wants and necessities of the Asylum, of some important changes in the internal administration of the house, as well as the great necessity of purchasing additional grounds. Since that time the managers have purchased a small portion of land, which is a valuable addition, but not enough to afford employment to the Lunatics.

By a reference to the reports of the managers of all the principal and most successful Asylums in the United States, it will be seen that they are in the possession of farms, affording to the inmates abundant and useful labor, which is always productive of the happiest consequences. The *McLean Asylum* in Massachusetts; the *Connecticut Retreat for the Insane* at Hartford; the *Vermont Asylum*; the *Ohio Lunatic Asylum*; the *Bloomingdale Asylum*, near New York city; the *Friend's Asylum*, near Philadelphia; the *Pennsylvania Hospital*; the *Maryland Hospital*; the *Western Lunatic Asylum of Virginia*, are all provided with farms, and the necessary means for cultivating them, giving to the inmates exercise and liberty, as well as diverting their minds from reveries and forebodings, which continually haunt and annoy them, when they are idle and confined.

But to call your attention to other, and perhaps more important objects, your committee feel the strong influence of conscience and of humanity in the recommendation of such a change in the moral and medical control of this institution, as will place it on an equality with others. Most of the Asylums named above, have a resident physician, who is also a superintendent, and has the whole physical control of the institution. A lack of such a physician, we believe, is one principal cause of our want of success. The treatment of insanity, says Dr. Garle, is divided into medical and moral. Your committee, then, consider the medical and moral administration the principal objects of Insane Hospitals, and beg leave to propose, and seriously to urge, an organization that will secure such a management as will elevate our own institution from the lowest rank, to a stand amongst the best conducted and most successful institutions in any country.

To do this we must be governed by the rules laid down in other and more successful institutions. It would seem to us that the cures depend mainly upon the attendants—for, says Dr. Garle, how perfect soever may be our Asylum in its organization and administration, how complete soever it may be in all the physical comforts which wealth may purchase or ingenuity invent, how diverse soever may be the means, recreation and amusements, the great object for which these have been furnished, that of effecting a cure in the patients, will be tardily, if indeed it be ever accomplished, unless the attendants, those who have the immediate care of those patients, are of suitable character, complete dominion over the passions, a well cultivated mind, unyielding firmness, untiring energy, and an ever watchful vigilance, united with mildness, gentleness, an affable and respectful deportment, and a benevolent sympathising christian mind, are necessary to constitute the perfect attendant. The nearer this standard be approached, the better will be

the cure extended to the patients, and the more rapid will be the cures. "We will not," (says one of the reports of the M'Lean Asylum) "continue any male or female attendant, whom we cannot invite into our family and seat at our table; and with whom we could not confidently place our wives, sisters and brothers." The rule that immediate dismissal shall be the penalty of striking a patient, is adopted in most Asylums, and should be in all, could the standard which we have mentioned be reached, perhaps no such rule would be necessary.

Then, it would seem to us, a resident physician would be decidedly better qualified than any one else, to attend and to choose attendants for the insane. For who, so well as medical men, knows the wants and understands the proper treatment of the Lunatic. In all the principal Asylums in the United States, a resident physician is employed, and he is the superintendent, employing such attendants as he believes necessary, whilst the managers only visit the Asylum occasionally, to see that all is right. Your committee do most seriously urge the necessity of this arrangement in our institution. The wages of the present superintendent, is five hundred dollars, and the attending physician four hundred; double this amount would probably employ a resident physician; and to effect this arrangement, it is altogether probable, that the cost to the State would be but little if any more, than it is at present.

But suppose it should increase the expenses \$1,000. This would be a very small matter, compared with the present wants and necessities of the Asylum.

Since the last sitting of the Legislature, two of the Commissioners have resigned, so there is now but three; in the event that a resident physician is employed, three will be enough; but if this should not be done, your committee would recommend the appointment of two others, and that they should be of the Medical Faculty, and the attending physician be one of them.

Another important matter, which your committee would not overlook, is, the annual cost to the State, for the support of Idiots and Lunatics out of the Hospital.

According to the report of the Second Auditor, for the year 1842, the amount expended for Idiots, whose parents and themselves are in indigent circumstances, and for the support of Lunatics, under special acts of Assembly, amounts to the sum of \$15,536 13.

It is believed by the committee, that the policy of providing for the support of Idiots and Lunatics out of the Hospital, is liable to decided objections, and should not longer be pursued. Idiots are happy wherever they are well treated; and we do not entertain a doubt, but that most of them, at least all the pauper Idiots, and Lunatics, would be much better provided for in the Asylum than at home.

For, it is a well known fact, that many of them are neglected, and abused, even by their relations, and in many instances the Idiot earns more than the man who gets fifty dollars for taking care of him; who, instead of taking care of him, treats him like a servant in rags and wretchedness, fed with the crumbs from his master's table. It is also true, that the State is frequently imposed upon, and large sums unjustly obtained for the support of those who have no claims on the public Treasury on account of their poverty.

It is the opinion of the committee, that if there was no allowance made for the support of Idiots, except in the Hospital, that it would save to the State annually between five and ten thousand dollars, as well as take the poor pauper Idiots out of rags and wretchedness, and place them in an elysium beyond the scoffs and sneers of an idle multitude.

Your committee cannot help feeling a deep and abiding interest in an institution of so much importance to the State, and would be unworthy the trust confided in them, were they to fail giving their impartial views in regard to any change they might think necessary in the institution.

From a careful examination of all the reports they could get from the Asylums of this, and other countries, the committee feel assured, that our want of success in the treatment of insanity, may be attributed, mainly, to the causes above mentioned; and we have no doubt but that a change can be easily effected, which will put ours upon an equality with the best and most successful institutions in the world.

The committee, in conclusion, beg leave to report a bill.

SAMUEL B. JESUP, WM. V. LOVING,	}	<i>Senate Committee.</i>
A. T. NOE, THOS. J. BUFORD, JESSE ABELL, N. K. POPE,		<i>House Committee.</i>

Ordered, That the Public Printer print 200 copies of the said report for the use of the General Assembly.

Leave was given to bring in the following bills, *to-wit:*

On the motion of Mr. Chenault—1. A bill for the benefit of Thomas W. Goodloe, and others.

On the motion of Mr. Dyer—2. A bill to fix the tolls on Green and Barren river navigation.

On the motion of Mr. Alexander—3. A bill to amend the law concerning the distribution of the public books.

On the motion of Mr. Boyd—4. A bill to regulate tolls of grist mills in certain counties.

The committee on Military Affairs was directed to prepare and bring in the first; the committee on Internal Improvement the 2d; Messrs. Alexander, Boyd and S. L. Williams were appointed a committee to prepare and bring in the 3d; and Messrs. Boyd, Alexander and Johnson the 4th.

The resolution fixing a day for the election of Public Officers, was taken up and amended to read as follows, and adopted, *viz.:*

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on Friday the 24th day of February, instant, proceed to the election of Public Officers, and Keeper or Keepers of the Penitentiary.

Mr. McAfee, from the committee on Federal Relations, reported the following preamble and resolutions, *to-wit:*

WHEREAS, the occupation of the Territory west of the Rocky Mountains, known by the name of Oregon, is considered by this General Assembly of immense importance to the future welfare and prosperity of the United States; that it is high time that our Government shall assert our rights and maintain them, our commerce on the Pacific ocean and on the western coast of N. America imperiously demand that we should take possession of all the territory which is justly ours on that coast, and establish such posts and ensure such donations of land as may be necessary for the protection of our trade, as it is well known that England has already established stations for the benefit of the British Fur Company, or at least has given her sanction to the same, and promised their protection, not only on our whole northern border, but also at many points within our territory on the Columbia river—therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky,
That we cordially approve of the bill which passed the Senate of the United States providing for the occupation of said Territory.

Resolved, That we have seen, with great satisfaction, that our Senators in Congress, Messrs. Crittenden and Morehead, both ably advocated the passage of said bill.

Resolved, That the Governor of this State be requested to transmit a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress, and also to the President of the United States.

The rule of the Senate being dispensed with, the said preamble and resolutions were taken up, twice read and unanimously adopted.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Samuel B. King, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to change the time of holding the Hopkins Circuit Court.

An act to change the terms of certain courts in the 14th Judicial District.

Reported the same with amendments to each, which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, as amended, do pass, and that the title of the first be amended by adding thereto, "and for other purposes," and that the title of the second be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Henry O. Beatty, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Young, from the committee on Religion, to whom was referred a bill to ratify the marriage of John Leathers and wife, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, to-wit:

By Mr. Jesup, from the committee on Military Affairs—1. A bill to revive an act, entitled, an act for the benefit of all those who may have executed bonds to the Commonwealth for public arms, approved February 5th, 1842.

By Mr. Slaughter, from the committee on Agriculture—2. A bill to incorporate the Kentucky Oyster Company.

By Mr. Young, from the committee on Religion—3. A bill for the benefit of Frances Dawson, of Garrard county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to amend the laws establishing the 7th and 16th Judicial Districts, and regulating the terms of the courts, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

On the motion of Mr. McAfee,

Resolved, That the Senate will take a recess each day at half past one o'clock for one hour, unless otherwise ordered.

Mr. Hardin read and laid on the table a resolution fixing a day for the adjournment of the General Assembly.

The rule of the Senate being dispensed with, the said resolution was taken up and amended to read as follows, and adopted, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the fourth day of March, they will adjourn at two o'clock, P. M. without day.

On the motion of Mr. Newell, a message was sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the

Senate to a bill from that House, entitled, an act for the benefit of James R. McDonough.

On the motion of Mr. Garth, a message was sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of sundry citizens of Pike county, and for other purposes.

Mr. Alexander read and laid on the table the following joint resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky,
That the mileage claimed by members shall be by the ordinary land route.

The rule of the Senate being dispensed with, the said resolution was taken up and referred to a committee of Messrs. Alexander, Huston and McElroy.

On the motion of Mr. Dyer, leave was given to withdraw the petitions of sundry citizens, praying for the formation of the county of McLean.

On the motion of Mr. Drake, leave was given to bring in a bill to regulate the issue and return of executions in this Commonwealth; and Messrs. Drake, Slaughter and Huston were appointed a committee to prepare and bring in the same.

On the motion of Mr. McElroy, leave was given to bring in a bill to legalize the proceedings of the Crittenden Circuit Court, and for other purposes; and the committee on the Judiciary was directed to prepare and bring in the same.

The amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act further to regulate the Madison turnpike and Wilderness road, was twice read and concurred in.

An engrossed bill, entitled, an act to divide the State into Congressional Districts, was read the third time.

Mr. S. L. Williams moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Palmer,
Bennett,	Loving,	Sterett,
Chenault,	McElroy,	Sympson,
Conner,	Morgan, D.	Williams, S. L.
Gilless,	Morgan, J. S.	Young—16.
Griffith,		

Those who voted in the negative, were—

Messrs. Drake,	Huston,	Slaughter,
Dyer,	Johnson,	Wallace,
Garth,	McAfee,	Walker,
Hanson,	Newell,	Williams, M—14.
Hughes,	Payne,	

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and Sterett, were as follows: viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Pirtle,
Bennett,	Huston,	Sterett,
Chenault,	Loving,	Sympson,
Conway,	Morgan, D.	Walker,
Dyer,	Morgan, J. S.	Williams, S. L.
Gilles,	Palmer,	Young—19.
Griffith,		

Those who voted in the negative, were—

Messrs. Boyd,	Hughes,	Newell,
Conner,	James,	Payne,
Drake,	Johnson,	Slaughter,
Garth,	McAfee,	Wallace,
Hanson,	McElroy,	Williams, M—15.

Resolved, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act concerning writings in foreign languages, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act to institute an enquiry into a fraud charged to be practised on this Commonwealth by Jacob Lewis, in procuring certain lands in the county of Hickman, was read the third time, and re-committed to the committee on Finance.

A bill from the House of Representatives, entitled, an act to establish the county of Johnson, was read the third time.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and M. Williams, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hanson,	Morgan, D.
Bennett,	Hughes,	Newell,
Conway,	Huston,	Payne,
Drake,	James,	Sympson,
Dyer,	Johnson,	Wallace,
Garth,	Loving,	Williams, M—20.
Gilles,	McAfee,	

Those who voted in the negative, were—

Messrs Boyd,	Jesup,	Sterett,
Chenault,	Morgan, J. S.	Walker,
Corner,	Palmer,	Williams, S. L.
Griffith,	Pirtle,	Young—13.
Hardin,		

Resolved, That the title of the said bill be as aforesaid.

A bill for the benefit of the Presbyterian Church in the town of Henderson, was taken up.

Mr. McAfee moved to amend the said bill by striking out the third section thereof, which is as follows, viz :

SEC. 3. If any person or persons shall withdraw from said Church or Congregation, or shall secede or separate from the same for any cause whatever; or if any scism or division shall take place therein, the sole and exclusive right to use and enjoy the said house and lot as a place of public worship, shall remain with, enure to, and be vested in, that portion of said Church or Congregation which adheres to the discipline, agrees in the doctrine and remains subject to the government of the General Assembly of the Old School Presbyterian Church in the United States of America; and all right of any body of such withdrawers or seceders to use or enjoy or participate, as a separate body, in the use or enjoyment of said lot and house as a place of public worship as aforesaid, shall be, and is hereby, declared utterly forfeit and null, such being the wish of said Glass, the donor.

Mr. McElroy moved the previous question, and the main question was ordered.

The question being taken on engrossing and reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Griffith, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Alexander,	Hanson,	Payne,
Boyd,	Huston,	Pirtle,
Conway,	James,	Rodes,
Drake,	Loving,	Slaughter,
Dyer,	McElroy,	Sterett,
Griffith,	Morgan, D.	Woodson—18.

Those who voted in the negative, were—

Messrs. Bennett,	Hughes,	Newell,
Chenault,	Johnson,	Wallace,
Garth,	McAfee,	Walker,
Gilliss,	Morgan, J. S.	Young—13.
Hardin,		

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill for the benefit of the Cumberland Presbyterian Church at Princeton, was taken up, amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Griffith, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Alexander,	Hanson,	Payne,
Bennett,	Huston,	Pirtle,
Boyd,	James,	Rodes,
Conway,	Jesup,	Slaughter,
Drake,	Loving,	Sterett,
Dyer,	McElroy,	Woodson—20.
Griffith,	Morgan, D.	

Those who voted in the negative, were—

Messrs. Chenault,	Hughes,	Newell,
Conner,	Johnson,	Wallace,
Garth,	McAfee,	Walker,
Gilles,	Morgan, J. S.	Young—13.
Hardin,		

Resolved, That the title of the said bill be as aforesaid.

A resolution from the House of Representatives in relation to a gate on the Versailles and Frankfort turnpike, was referred to the committee on Internal Improvement.

The following bills came up in the orders of the day, viz:

1. A bill providing compensation to Sheriffs, and others, for carrying persons of unsound mind to the Lunatic Asylum, and to provide for the examination of such persons at any time it may be necessary.

2. A bill to amend the law in relation to Milk Sickness, approved February 18, 1841.

3. A bill to establish a College of Professional Teachers, and for other purposes.

4. A bill to change the time of the meeting of the General Assembly.

The said bills were re-committed: the first to the committee on Finance;

the 2d to a committee of Messrs. Bennett, Palmer and Hughes; the 3d to the committee on Education, and the 4th to the committee on the Judiciary.

A bill from the House of Representatives, entitled, an act to improve the roads in Hickman, Ballard and McCracken counties, was re-committed to a committee of Messrs. James, Boyd and Walker.

A bill from the House of Representatives, entitled, an act to change the terms of the Morgan Circuit Court, and for other purposes, was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson having obtained leave, reported a bill to regulate the terms of the Circuit Court in the tenth Judicial District, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

And then the Senate adjourned.

TUESDAY, FEBRUARY 21, 1843.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act to enlarge and define the powers of the Trustees of the town of Madisonville.

An act to amend an act for the benefit of the infant children of Cyrus Edwards.

An act concerning the affairs of the late Bank of Versailles.

An act for the benefit of Love Hogan.

An act to amend the several acts for the benefit of Shelby College.

An act for the benefit of Thomas M. Wooldridge, his wife and children.

An act granting James Marcum a change of venue.

An act granting John Trimble a change of venue.

An act legalizing the sale by the Trustees of the town of Lebanon of a part of Mulberry street, to R. H. Rowntree, and vesting them with power to convey the same by deed.

An act to amend an act, entitled, an act to regulate the guaging of spirituous liquors in this Commonwealth, approved January 5, 1837.

An act to amend the charter of the Firemen's Insurance Company of Louisville.

With amendments to the last bill.

That they had passed bills of the following titles, to-wit:

1. An act to remove the seat of justice of Hickman county, and for other purposes.
2. An act to amend the law authorizing changes of venue in civil cases.
3. An act for the benefit of William K. Allen and wife.
4. An act for the benefit of Andrew Lewis.
5. An act for the benefit of the Sheriffs of Montgomery and Scott counties, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 2d, 3d and 4th bills were referred to the committee on the Judiciary, and the 5th to the committee on Finance.

1. Mr. Rodes presented the petition of Mary Davis, praying for the passage of a law releasing her from her marriage obligations, and restoring her to all the rights and privileges of an unmarried woman.

2. Mr. Wallace presented the petition of sundry citizens of Boone county, praying for the passage of a law establishing an election precinct in said county.

3. Mr. Bailey presented the petition of sundry citizens of the town of Hustonville, praying for the passage of a law allowing an additional Justice of the Peace to the county of Lincoln.

4. Mr. Alexander presented the petition of G. R. H. Clark, and the heirs of W. P. Clark, of the city of St. Louis, praying for the passage of a law to enable them to convey a certain tract of land in this State.

5. Mr. Woodson presented the petition of John Henry, a contractor on the Lexington, Harrodsburg and Perryville turnpike road, praying for the passage of a law allowing him some indemnification for losses sustained on State bonds.

6. Mr. Woodson presented the petition of John Kirtley and William D. Dale, administrators of John Cave, deceased, and Polina Cave, widow of said John Cave, deceased, praying for the passage of a law empowering them to make sale of certain mills and lands belonging to the estate of said decedent.

Which were received and referred: the 1st to the committee on Religion; the 2d to the committee on Privileges and Elections; the 3d to the committee on Propositions and Grievances; the 4th and 6th to the committee on the Judiciary, and the 5th to the committee on Internal Improvement.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a

bill from the House of Representatives, entitled an act to amend the laws establishing the 7th and 16th Judicial Districts, and regulating the terms of the courts, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, reported the following bills, viz:

1. A bill to amend the law concerning executions.

2. A bill to incorporate the Western Coal Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st bill being dispensed with, it was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

The constitutional rule as to the second and third readings of the 2d bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill to change the time of the meeting of the General Assembly, reported the same without amendment.

The said bill reads as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That hereafter the annual meeting of the General Assembly of this Commonwealth, shall commence on the first Monday in December, instead of the time now designated by law.

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. James and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,
Bennett,
Conner,
Garth,
Hanson,

Johnson,
McAfee,
McElroy,
Morgan, J. S.

Newell,
Payne,
Williams, M.
Woodson—13.

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Pirtle,
Boyd,	Hughes,	Rodes,
Chenault,	Huston,	Slaughter,
Conway,	James,	Sterett,
Drake,	Jesup,	Wallace,
Dyer,	Loving,	Walker,
Gilliss,	Morgan, D.	Williams, S. L.
Griffith,	Palmer,	Young—24.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to remove the seat of justice of Calloway county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, reported the following bills, viz:

A bill allowing an additional Justice of the Peace to the county of Lincoln.

A bill for the benefit of Timothy Burgess, of Lincoln county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred the petition of sundry citizens of the counties of Fleming, Morgan, Carter and Lewis, praying for the formation of a new county out of parts of said counties, reported the following resolution thereon, viz:

Resolved, That in consequence of the notices not having been sworn to, that the petition be rejected.

The Senate, according to the special order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. James in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration a bill to amend the charter of the Bank of Louisville and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which was granted.

And the Senate took a recess for one hour.

On the motion of Mr. Woodson,

Resolved, That in commemoration of the day that gave birth to the immortal Washington, who was and is still fresh in the hearts of his countrymen, his excellency the Governor be requested to have a national salute fired to-morrow at noon, in front of the Capitol.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to-wit:

An act to change the place of voting in the Hutchens precinct, in Monroe county, and for other purposes.

An act to change the line between the counties of Adair and Barren.

An act to provide for working the public roads in Shelby, Trimble Bourbon and Montgomery counties.

An act for the benefit of Thomas Allin, Clerk of the Mercer County Court, and for other purposes.

An act to authorize the sale of a slave belonging to Thomas H. Miles, an infant.

An act for the benefit of Eliza Y., Elizabeth and Mary M. Eastin.

An act to authorize the Scott County Court to exchange the poor house lands.

An act to extend the limits of the town of Smithland.

An act for the benefit of the administrators and heirs of Lawrence Sandford, deceased.

An act to enlarge the powers of the Trustees of the town of Morganfield, and for other purposes.

An act for the benefit of the widow and heirs of Thomas Burrus, dec'd.

An act allowing additional Justices of the Peace and Constables to certain counties.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

The Senate again resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. McAfee in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. McAfee reported that the committee had again had under consideration a bill to amend the charter of the Bank of Louisville, and had made further progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

On the motion of Mr. M. Williams, leave was given to bring in a bill to regulate the time of holding the courts in Johnson county; and Messrs. M. Williams, Johnson and Alexander were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 22, 1843.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to amend the law in relation to the Goose creek turnpike road, passing through Clay and Laurel counties.

That they had passed bills of the following titles, to-wit:

An act to reduce the salaries of certain officers of this Commonwealth.

An act to provide for a final settlement with the present Keeper of the Penitentiary, the election of another Keeper, and for other purposes.

An act to amend and explain the various laws concerning the town of Columbus.

1. Mr. Hanson presented the petition of Thomas Gaines, praying for a divorce from his wife, Catharine.

2. Mr. Garth presented the petition of Woodson Denham, praying for the passage of a law changing the name of three of his children, and entitling them to all the privileges and immunities of children born in lawful wedlock.

3. Mr. Palmer presented the petition of Milly Bevel, praying for a divorce from her husband, Seth A. Bevel.

4. Mr. Hanson presented the petition of Nicholas Jones, praying for the passage of a law vesting him with the title to four or five acres of land in Bath county, which was the property of a free negro who died without heirs.

Which were received and referred: the 1st and 3d to the committee on Religion; the 2d to a committee of Messrs. Garth, James and Young, and the 4th to the committee on the Judiciary.

A message, received from the Governor on the 18th inst., was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Daniel S. Lane to be Sheriff of Trimble county, in the place of John Sibley, who refused to qualify; and

Milton Hunt, to be Sheriff of Rockcastle county, in the place of L. T. Ellis, resigned.

R. P. LETCHER.

February 18, 1843.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act further to regulate the Madison Turnpike and Wilderness road.

An act concerning the affairs of the late Bank of Versailles.

An act granting James Marcum a change of venue.

An act granting John Trimble a change of venue.

An act to amend an act for the benefit of the infant children of Cyrus Edwards.

An act to enlarge and define the powers of the Trustees of the town of Madisonville.

An act to amend the several acts for the benefit of Shelby College.

An act for the benefit of Thomas M. Wooldridge, his wife and children.

An act to amend an act, entitled, an act to regulate the guaging of spirituous liquors in this Commonwealth, approved January 5, 1837.

An act for the benefit of Love Hogan.

An act legalizing the sale by the Trustees of the town of Lebanon of a part of Mulberry street, to R. H. Rountree, and vesting them with power to convey the same by deed.

An act for the benefit of the voters in the Liberty precinct, in the county of Greenup, and for other purposes.

An act to authorize certain record books of the Cumberland County Court to be transcribed.

The Speaker of the House of Representatives having signed the said bills the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

The Senate resumed the consideration of the resolution reported on yesterday from the committee on Propositions and Grievances, against the petition of sundry citizens of Fleming, Lewis, Lawrence and Carter counties, praying for a new county.

The question being taken on concurring in the adoption of the said resolution, it was decided in the affirmative, and so the said petition was rejected.

The yeas and nays being required thereon by Messrs. D. Morgan and M. Williams, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Griffith,	Sterett,
Bailey,	Hardin,	Wallace,
Bennett,	Johnson,	Walker,
Boyd,	Loving,	Williams, M.
Chenault,	McAfee,	Williams, S. L.
Dyer,	McElroy,	Young—20.
Garth,	Slaughter,	

Those who voted in the negative, were—

Messrs. Conner,	Huston,	Newell,
Conway,	James,	Payne,
Gilless,	Jesup,	Pirtle,
Hanson,	Morgan, D.	Rodes,
Hughes,	Morgan, J. S.	Woodson—15.

Mr. Huston, from the committee on Privileges and Elections, made the following report, to-wit:

The committee on Privileges and Elections have had under consideration the returns from the several Senatorial Districts, and report the following gentlemen elected, to-wit:

From the 1st Senatorial District, Thomas James; from the 2d, Hiram McElroy; from the 3d, Samuel B. Jesup; from the 4th, James V. Walker; from the 5th, William R. Griffith; from the 6th, William V. Loving; from the 7th, Asa Young; from the 8th, James C. Sympson; from the 9th, John D. Alexander; from the 10th, Parker C. Hardin; from the 11th, Rodes Garth; from the 12th William Sterett; from the 13th, Dillis Dyer; from the 14th, William Conway; from the 15th Henry Pirtle; from the 16th, James N. Hughes; from the 17th, Walter C. Drake; from the 18th, G. Clayton Slaughter; from the 19th, Robert C. Palmer; from the 20th, Robert B. McAfee; from the 21st, Alfred Boyd; from the 22d, Winsford G. Bailey; from the 23d, William Chenault; from the 24th, Joseph Gilless; from the 25th, John Wallace; from the 26th, John Bennett; from the 27th, John S. Morgan; from the 28th Benjamin B. Johnson; from the 29th Hugh Newell; from the 30th, Mark E. Huston; from the 31st, William Rodes; from the 32d, Tucker Woodson; from the 33d, Samuel L. Williams; from the 34th, William Conner; from the 35th, Daniel Morgan; from the 36th, Thomas Y. Payne; from the 37th, Mason Williams; and from the 38th, Samuel Hanson.

Your committee find the term of service of Samuel B. Jesup, William Sterett, Henry Pirtle, James N. Hughes, G. Clayton Slaughter, Daniel Morgan, Thomas Y. Payne, Mason Williams, and Samuel Hanson, will expire in the year 1843.

Thomas James, William R. Griffith, Asa Young, James C. Sympson, Parker C. Hardin, Rodes Garth, William Conway, Winsford G. Bailey, Benj. B. Johnson, and Samuel L. Williams, in the year 1844.

Joseph Gilless, John D. Alexander, John Bennett, William V. Loving, R. C. Palmer, Hiram McElroy, Robert B. McAfee, Mark E. Huston, and Wm. Rodes, in the year 1845.

James V. Walker, Dillis Dyer, Walter C. Drake, Alfred Boyd, William

Chenault, John Wallace, John S. Morgan, Hugh Newell, Tucker Woodson, and William Conner, will expire in the year 1846.

All which is respectfully submitted.

MARK E. HUSTON, *Chairman.*

Mr. Young from the committee on Religion, reported a bill for the benefit of Mary Davis of Fayette county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill authorizing the Auditor to have the lands sold which are or may be forfeited to the Commonwealth of Kentucky, for the non-payment of taxes, interest and costs due thereon, reported the same with amendments, which were concurred in.

The said bill was further amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. McAfee in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration a bill to amend the charter of the Bank of Louisville and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which was granted.

And then the Senate adjourned.

THURSDAY, FEBRUARY 23, 1843.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act to authorize the sale of a slave belonging to Thomas H. Miles, an infant.

An act to authorize the Scott County Court to exchange the poor house lands.

An act for the benefit of Eliza Y., Elizabeth and Mary M. Eastin.

An act to enlarge the powers of the Trustees of the town of Morganfield, and for other purposes.

An act allowing additional Justices of the Peace and Constables to certain counties.

An act for the benefit of the widow and heirs of Thomas Burrus, dec'd.

An act to extend the limits of the town of Smithland.

An act for the benefit of the administrators and heirs of Lawrence Sandford, deceased.

An act to provide for working the public roads in Shelby, Trimble, Bourbon and Montgomery counties.

An act for the benefit of Thomas Allin, Clerk of the Mercer County Court, and for other purposes.

An act to change the line between the counties of Adair and Barren.

An act to change the place of voting in the Hutchens precinct, in Monroe county, and for other purposes.

Approved February 21, 1843.

That they had passed bills from the Senate of the following titles, viz:

An act to establish the office of Second Auditor, and for other purposes.

An act to amend the attachment law, approved February 20, 1839.

An act to amend the law regulating the trial of the right of property.

An act to amend the law of Landlord and Tenant.

An act to explain the law concerning the prison bounds, and authorize replevin in certain cases of misdemeanor.

An act to amend an act, entitled, an act regulating divorces in this Commonwealth, approved January 31, 1809.

With amendments to the three last named bills.

That they had passed bills of the following titles, to-wit:

An act concerning the appointment of Constables.

FEB. 23.]

JOURNAL OF THE SENATE.

275

An act for the benefit of the heirs of Robert Bell, deceased.

An act for the benefit of Elizabeth Williams.

An act for the benefit of William T. Meaders.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

1. Mr. J. S. Morgan presented the petition of sundry citizens of Nicholas county, praying for the passage of a law reducing the number of Constables in said county.

2. Mr. Woodson presented the petition of H. S. Elgin, praying for the passage of a law remunerating him for losses sustained on State bonds received by him as Contractor on certain turnpike roads.

3. Mr. Young presented the petition of Alemuth Hunt, praying for a divorce from his wife, Virginia Hunt.

Which were received and referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on Internal Improvement, and the 3d to the committee on Religion.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Montgomery and Scott counties, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill providing compensation to Sheriffs and others for conveying persons of unsound mind to the Lunatic Asylum, and to provide for the examination of such persons at any time it may be necessary, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee to whom was referred an engrossed bill, entitled, an act to institute an enquiry into a fraud charged to be practiced on this Commonwealth by Jacob Lewis, in procuring certain lands in the county of Hickman, reported the same with amendments, which were concurred in.

Mr. Pirtle moved the following amendment as a substitute for said bill:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Commonwealth's Attorney for the district where the land lies, to cause a *scire facias* to be issued from the Clerk's office of the Circuit Court, to enquire whether any grants or other muniments of title to any lands in this Commonwealth issued to Jacob Lewis, under an act to encourage the manufacture of Queensware, approved February 11th, 1834, or an act to amend the same, approved 27th February, 1835, have been obtained in any manner not authorized by said act; and if the said court shall, on the trial of said cause find that such grants or muniments have issued in any manner contrary to the provisions of said act, and the true spirit thereof, it shall cancel the same by judgment thereon; and if such shall be the judgment of said court, said lands shall vest in the Commonwealth, and shall not be granted by the laws now in force until the General Assembly shall provide therefor. The right to appeal, or sue out a writ of error, shall be allowed to either the Commonwealth or said Lewis, or any one who shall be a party to said *scire facias*.

Mr. Hughes moved the previous question, and the main question was ordered.

Ordered, That said bill be re-engrossed and again read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being re-engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended to read, "an act directing an enquiry concerning certain grants of land to Jacob Lewis."

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Thomas M. Wooldridge, his wife and children.

An act to amend the several acts for the benefit of Shelby College.

An act to enlarge and define the powers of the Trustees of the town of Madisonville.

An act granting John Trimble a change of venue.

An act to amend an act, entitled, an act to regulate the guaging of spirituous liquors in this Commonwealth, approved January 5, 1837.

An act for the benefit of Love Hogan.

An act concerning the affairs of the late Bank of Versailles.

An act legalizing the sale by the Trustees of the town of Lebanon of a part of Mulberry street, to R. H. Rowntree, and vesting them with power to convey the same by deed.

An act granting James Marcum a change of venue.

An act for the benefit of the voters in the Liberty precinct, in the county of Greenup, and for other purposes.

An act to authorize certain record books of the Cumberland County Court to be transcribed.

An act to amend an act for the benefit of the infant children of Cyrus Edwards.

An act further to regulate the Madison Turnpike and Wilderness road.

Approved February 22, 1843.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to amend the law regulating the trial of the right of property.

An act to establish the office of Second Auditor, and for other purposes.

An act to amend the attachment law, approved February 20, 1839.

The Speaker of the House of Representatives having signed the said bills the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

After some time a message was received from the Governor by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed the said bills.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate :

I nominate for your advice and consent, Thomas S. Page to be Second Auditor; and Michael Spalding to be Sheriff of Nelson county, in the place of Lewis Stiles, resigned.

R. P. LETCHER.

February 23, 1843.

Resolved, That the Senate advise and consent to the said appointments.

Mr. James, from the committee on Finance, to whom was referred a bill for the benefit of John Tilford, reported the same with an amendment, which was concurred in.

Mr. Conner moved to postpone the further consideration of said bill until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Conner, were as follows, viz:

[FEB. 23.

Those who voted in the affirmative, were—

Messrs. Conner,	Palmer,	Young—5.
Johnson,	Williams, M.	

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Newell,
Bailey,	Hughes,	Payne,
Bennett,	Huston,	Pirtle,
Boyd,	James,	Rodes,
Chenault,	Jesup,	Slaughter,
Drake,	Loving,	Sterett,
Dyer,	McAfee,	Wallace,
Gilless,	McElroy,	Williams, S. L.
Griffith,	Morgan, D.	Woodson—29.
Hanson,	Morgan, J. S.	

The said bill was further amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and Johnson, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hanson,	Newell,
Bailey,	Hardin,	Palmer,
Bennett,	Hughes,	Payne,
Boyd,	Huston,	Pirtle,
Chenault,	James,	Rodes,
Conway,	Jesup,	Slaughter,
Drake,	Loving,	Sterett,
Dyer,	McAfee,	Wallace,
Garth,	McElroy,	Williams, S. L.
Gilless,	Morgan, D.	Woodson—32.
Griffith,	Morgan, J. S.	

Those who voted in the negative, were—

Messrs. Conner,	Johnson,	Williams, M—3.
-----------------	----------	----------------

Resolved, That the title of the said bill be as aforesaid.

On the motion of Mr. Jesup, leave was given to bring in a bill to establish two election precincts in the county of Whitley; and the committee on Privileges and Elections was directed to prepare and bring in the same.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, one of the said messages was taken up and read as follows, viz:

*Gentlemen of the Senate,
and House of Representatives:*

The Commissioners of the Sinking Fund transmit to the General Assembly herewith, the report and accompanying documents of Richard Apperson and James M. Bullock, Esqrs., appointed under the 17th section of the act of the 14th of February, 1839, entitled, "an act prescribing the duties of Keeper and Clerk of the Penitentiary," to examine the accounts of the Keeper of the Penitentiary, and estimate the value of the cells or dormitories authorized by that act to be erected.

The Commissioners request that these papers be returned to them at the close of the present session.

R. P. LETCHER, Ch. S. F.

February 23, 1843.

[*For the report—see Legislative Documents.*]

Bills from the House of Representatives of the following titles, viz:

1. An act to reduce the salaries of certain officers of this Commonwealth.
2. An act to amend and explain the various laws concerning the town of Columbus.

3. An act to provide for a final settlement with the present Keeper of the Penitentiary, the election of another Keeper, and for other purposes.

Were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st bill was referred to the committee on Finance; the 2d, to the committee on the Judiciary, and the 3d to the committee on the Penitentiary.

Mr. Pirtle, from the committee on the Judiciary, reported the following resolution, to-wit:

Resolved, That the Librarian purchase a Bible, with good marginal references, for the use of the Senate.

Which was twice read and adopted.

On the motion of Mr. D. Morgan, leave was given to bring in a bill for the benefit of T. and Lewis P. Holliday; and Messrs. D. Morgan, J. S. Morgan and James were appointed a committee to prepare and bring in the same.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. James in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration a bill to amend the charter of the Bank of Louisville, and had gone through the same, and made amendments thereto, which he handed in at the Clerk's table.

The first amendment was concurred in.

And then the Senate adjourned.

FRIDAY, FEBRUARY 24, 1843.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of preamble and resolutions from the Senate in relation to the Oregon Territory; of preamble and resolutions relative to the purchase and manufacture of hemp in Kentucky, for the use of the Navy of the United States, and a resolution fixing a day for the adjournment of the General Assembly, with an amendment to the last.

That they had passed bills from the Senate of the following titles, viz:

An act to repeal an act allowing an additional term to the Hardin Circuit Court.

An act to authorize the County Court of Fayette to pay for an addition to the Circuit Court Clerk's office in the city of Lexington.

An act allowing an additional Justice of the Peace to the county of Garrard.

An act allowing an additional Justice of the Peace to the county of Lincoln.

An act for the benefit of the Sheriff of Hickman county.

An act to revive an act, entitled, an act for the benefit of all those who may have executed bonds to the Commonwealth for public arms, approved February 5, 1842.

With amendments to the two last named bills.

That they had passed bills of the following titles, to-wit:

An act to increase the resources of the Sinking Fund.

An act to incorporate the Trustees of the Washington Presbyterian Church, in Mason county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Finance, and the 2d to the committee on the Judiciary.

Mr. Loving presented the petition of Richard S. Ford and others, praying for a change in the law respecting the turnpike road from Glasgow to the Tennessee line, which was received and referred to the committee on Internal Improvement.

On the motion of Mr. Walker, leave was given to bring in a bill to legalize the proceedings of the Knox County Court at their April and May terms, 1840; and Messrs. Gilless, Walker and James were appointed a committee to prepare and bring in the same.

The following bills were reported from select committees, to-wit:

By Mr. M. Williams—A bill to regulate the courts in the county of Johnson.

By Mr. Walker—A bill to legalize the proceedings of the Knox County Court at their April and May terms, 1840.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to-wit:

An act to establish the county of Johnson.

An act to amend the law in relation to the Goose creek turnpike road passing through Clay and Laurel counties.

An act to change the place of voting in the Red river precinct, in Montgomery county, and for other purposes.

An act to provide that the Sheriff of Campbell county may execute his official bonds, and for other purposes.

An act for the benefit of Henry O. Beatty.

An act to change the terms of the Morgan County Court, and for other purposes.

An act to reduce the number of Constables in the county of Mercer, and for other purposes.

An act to amend the law establishing the 7th and 16th Judicial Districts, and regulating the terms of the courts.

An act to remove the seat of justice of Calloway county.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

A message was received from the House of Representatives by Mr. Irwin, announcing that they had concurred in the adoption of a resolution from the Senate fixing a day for the election of public officers and Keeper of the Penitentiary.

After a short time Mr. Bailey, from the committee of Enrollments, reported that the committee had examined the said resolution and found the same truly enrolled.

[FEB. 24.]

The said resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate signed the same, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After some time a message was received from the Governor announcing that he had approved and signed the said resolution.

Mr. D. Morgan, from the committee on the Penitentiary, to whom was referred a bill from the House of Representatives, entitled, an act to provide for a final settlement with the present Keeper of the Penitentiary, the election of another Keeper, and for other purposes, reported the same with an amendment, proposing to strike out "six hundred and fifty dollars," and inserting in lieu thereof, "one thousand dollars," the same being the salary allowed to the Clerk of the Penitentiary.

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and D. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hanson,	Rodes,
Bennett,	Huston,	Slaughter,
Conner,	Loving,	Sympson,
Drake,	Morgan, D.	Walker,
Dyer,	Morgan, J. S.	Williams, S. L.
Gilless,	Payne,	Woodson—20.
Griffith,	Pirtle,	

Those who voted in the negative, were—

Messrs. Alexander,	Hughes,	Newell,
Boyd,	James,	Palmer,
Chenault,	Jesup,	Sterett,
Conway,	Johnson,	Wallace,
Garth,	McAfee,	Williams, M.
Hardin,	McElroy,	Young—18.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the committee on the Sinking Fund, made the following report, to-wit:

The committee on the Sinking Fund, to whom was referred so much of the Governor's message, and other documents, as relate to that subject, have had the same under consideration and respectfully ask leave to report:

Without entering upon a detail of the items constituting the resources of, and of those embracing the charges upon, the Sinking Fund, which are sub-

stantially correct, as set forth in the report of the Commissioners of the Sinking Fund, and may therefore be relied on as safe guides in legislating on the subject, the committee will but state here, that the estimated deficiency of the receipts to meet expenditures for the year 1843, will exceed the sum of \$100,000, without taking into the calculation the interest due and becoming due upon \$850,000 of five per cent. and \$67,500 of six per cent. bonds held by the Board of Education, and of \$20,000 of six per cent. bonds issued to the Commissioners of the Sinking Fund. The annual interest accruing to the Board of Education on the bonds held by them, amount to \$46,550, and that to the Commissioners of the Sinking Fund, on the bonds above mentioned, to the sum of \$1,200, making an aggregate of \$47,750 of annual interest not provided for in the estimate of the Commissioners. It is presumed that these debts, being debts due by one branch of the public service to another, or in other words, by the State to herself, is the reason why they have not been included among the estimates of liabilities for which the Sinking Fund will be required to provide; and this presumption is strengthened by the fact, that the wants of the Board of Education for actual school purposes under the Common School law, do not require only a small proportion of the amount of interest payable on the education bonds.

The whole amount of uncompounded interest due at the date of the last report of the Superintendent of Public Instruction to the Board of Education by the Commissioners of the Sinking Fund, was the sum of \$116,375. Thus it will be seen that here is a debt already due of a large amount, while the resources of the Sinking Fund are inadequate to meet the annual charges upon it, by a sum not less than \$150,000.

But supposing the interest already due to the Board of Education were invested in bonds, the State or the Commissioners of the Sinking Fund meantime, only providing for the actual amounts in cash necessary to meet the demands of school districts in operation according to law, still there must be provision made for an annual deficit in the resources of the Sinking Fund, calculating them upon existing laws, of not less than \$120,000. And this deficit will be still further increased, in all probability, by the issue of bonds, the interest on which will be chargeable on the Sinking Fund, for just claims of Contractors on public works against the State. Taking, however, but the known facts relating to this subject, it is clearly manifest that some mode of increasing the revenue must be adopted.

The act of February 17th, 1841, by the provisions of which one third of the revenue raised under it was to be carried to the credit of the Sinking Fund, has already expired by limitation. It must be obvious to every one that even if this act be revived, the resources of the Sinking Fund must be still further augmented to enable it to discharge its obligations to pay the interest on the State debt.

The committee on the Sinking Fund deem themselves discharged from duty by stating the foregoing facts and presenting the resolutions concluding this report.

The constitutional organization of the Senate restraining it from originating revenue bills, the committee look to the other branch of the General Assembly for appropriate action on this subject. They therefore conclude by offering for the consideration of the Senate the resolutions following:

1. *Resolved*, That the resources of the Sinking Fund ought to be increased by the present General Assembly.

2. *Resolved*, That the act, entitled, "an act to increase the resources of the Sinking Fund, and for other purposes," approved February 17th, 1841, ought to be revived, and that additional sources of increase should be provided in aid of the Sinking Fund, to enable it fully and punctually to meet the demands upon it.

All of which is respectfully submitted.

DILLIS DYER, *Chairman.*

WILLIAM RODES,

R. C. PALMER.

Ordered, That said report be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons for officers in the new county of Johnson:

For Justices of the Peace, Francis A. Brown, John Stafford, Shadrick Preston, Jerming W. Huff, John P. Simer, Elixious Hows, Henry Jane, Samuel Auxer, James Delony, Nicholas Waldick, and Constantine Conly.

For Sheriff, Daniel Hager.

For Coroner, James Ramey.

R. P. LETCHER.

February 24, 1843.

Resolved, That the Senate advise and consent to the said appointments.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate

and House of Representatives:

I have received from the Governor of Tennessee a communication upon the subject of Tobacco Inspection, which I transmit herewith to the General Assembly.

February 24, 1843.

R. P. LETCHER.

EXECUTIVE DEPARTMENT,
Nashville, February 17th, 1843.

SIR:

At the request of Mr. Lancaster, a highly respectable citizen of this State, I enclose you a lengthy communication, prepared with much care by him, on the subject of Tobacco Inspection. As this is a subject in which your State is deeply interested as well as Tennessee, I have to request that you will confer on it the attention its importance demands, and give it such direction as, in your judgment, may best tend to the accomplishment of the object sought.

Very respectfully your obedient servant,
JAMES C. JONES.

His EXCELLENCY,
the Governor of Kentucky.

JACKSON, TENNESSEE, December 22, 1842.

I take the liberty of addressing you on a subject which is considered of great importance to the tobacco planters of Tennessee, Kentucky and Missouri, and hope you will aid in producing the change so much desired by the tobacco planters in this section of country. There has been for some years loud complaints by the planters, as well as many persons of New Orleans, in relation to the present mode of inspecting, storage, &c. of tobacco in New Orleans; and notwithstanding great efforts have been made for several years to bring about a change of the tobacco inspection laws of Louisiana, nothing as yet has been done. Thinking that a memorial from the States interested would do some good, in the fall of 1841, I made known to our member from this county the present mode of inspection, &c. at New Orleans, and also informed him of the change required. The subject was taken up by our Legislature, but as they had an exciting time of it on the subject of appointing Senators, nothing was done with the memorial until about the close of the session. The memorial I believe was unanimously adopted, but our member omitted to have set forth in the memorial what change was required. The Legislature, at the same time, called upon the States of Kentucky and Missouri, to memorialize also on the subject, which I understand was done by Kentucky; but as yet I have not learned that Missouri responded to the request. The memorial of this State was before the Legislature of Louisiana last winter, and a committee was appointed to report, and I learn persons were sent for by the committee to give information; but such was the excitement in the Legislature about their Banks, the Legislature adjourned without the committee's reporting on it. I was in N. Orleans last spring, and the friends of a change of the inspecting laws informed me that as there was no tobacco raised in that State for inspection, the Legislature had never taken much interest on the subject, and in fact knew very little about the inspection or management of tobacco, and that the memorial from the States interested, should set forth the present mode of inspection, &c., give its defects, and to exhibit a plan of the inspection, &c. required.

On my return from New Orleans last summer, I visited Nashville, and called upon his excellency, Governor Jones, to know if he would open the subject at the called session of our Legislature, so that the Legislature could memorialize again and set forth the required change; but his excellency, although anxious to have this matter attended to, said, under the Constitution of this State, he thought it could not be done at a called session. And as it is considered important that there should be some action from the States interested, in order to get the Legislature of Louisiana at its next session to do something, I have thought it best to draw your attention to the subject.

When the present laws of Louisiana were enacted, the tobacco crop was of very little importance; and in 1832-3, the crop received in New Orleans was 23,637 hds. The crop was last year, ending 31st August, 1842, 68,058 hds. The tobacco is stored in houses of all kinds, some of them very good, but some bad, with no floors, and stored on the damp ground; and it is frequently stored I understand, for the want of room, in sheds and very indifferent houses; and when a lot of tobacco is required to be inspected, the hogsheads are set upon one end and the hoops knocked off, two or three staves broke down near the bottom of the hogshead; it is then ready for the breaker and sampler. The spike is drove in and the sample drawn out and handed to the inspector, who pass upon the quality, and tie a string with a label round the sample. The inspectors mark with a pencil on the label the number of the hogshead in the warehouse, and the quality, and I believe they put the same marks on the hogshead with chalk; they then enter in a small book, carried in the pocket, with a pencil, the same number and quality. The sample is then sent to the commission merchant, who can tell you nothing about a particular hogshead until the tobacco is sold and weighed, and they get from the weigher the private marks on the hogshead. If the warehouse is not pressed with business, the coopers proceed to cooper the tobacco, but is frequently the case that the tobacco stands exposed in this way a day or two.

In breaking the tobacco it rises above the upper end of the staves, and as they use no screw or prize, the coopers throw off the tobacco until the heading can be got in its proper place; and when coopered the hogshead is rolled by and not weighed until a sale is made by the commission merchant. The tobacco taken off by the cooper to get the heading in, belong to the proprietors of the warehouse, and the quantity reported is from 10 to 12 pounds per hogshead, at half price; and instead of stripping of the hogshead and weighing separate from the tobacco, they tear the hogshead at the rate of 12½ per cent. When a hogshead is light, there is perhaps no loss in tare, but when heavy the loss is considerable. Those warehouse people object to stripping the hogshead and having screws or prizes, on the ground that at a busy season it would require too much time to cooper a large lot of tobacco; but it would be to the interest of the planters to pay more for coopering and let them employ more screws and hands.

The friends of a change of the present inspection laws, wish it put upon something like the Virginia and Maryland mode, which is something like the following: The warehouses in Virginia are generally owned by individuals, but the law require them to be constructed in a particular way before the owner can get a license to have tobacco inspected and stored; and the

State receives, I think, for inspection fees and tobacco note, 50 or 60 cents per hogshead.

The inspectors for each warehouse are first recommended by the County Court of the county in which the warehouse is situated, and the Governor gives them a commission; and the inspector's salary is fixed by law and paid by the State, and there is a heavy fine on the inspectors if they allow more tobacco taken from a hogshead than is considered a good sample. When a hogshead of tobacco is offered for inspection at a Virginia warehouse, it is the duty of the inspectors to strip the hogshead from the tobacco, than weigh the naked hogshead, break the tobacco, then draw a sample and decide upon the quality, and then put the hogshead on the tobacco, put it under a screw or prize so as to get all the tobacco in except the sample. It is then well coopered and weighed; then the inspectors, with marking irons, put on the warehouse mark, the quality, number in the warehouse, gross, tare and net weights, and put a label on the sample, with the same marks as on the hogshead. It is then entered in a large book which belongs to the warehouse, with the planter's name, number, quality, gross, tare and net weight. It is then the duty of the inspectors to give the planter or owner a tobacco note or receipt, with the planter's or owner's name, dated at the warehouse, with number, quality and weights corresponding with the entry in the tobacco book, and the inspectors name to it; and when the planter receives the note he pays the inspection fee and cooperage; and when he sells the tobacco, this note is handed to the purchaser, and when he presents the note to the inspectors to be shipped or delivered, the inspectors enter on the tobacco book, opposite the number, by whom shipped or received, and the shipper pays the storage then due; and if it is at one of the inspections in the upper country, and intended to be sold in one of the lower markets, it is the duty of the inspectors to give to the shipper a manifest, setting forth the warehouse, number, quality, gross, tare and net weight, with the inspector's name, and it can then be sold in any of the Virginia markets from the same weights, but subject to be re-sampled. In making the appointment for inspectors for a particular warehouse in Virginia, they appoint first and second inspectors, whose duty it is to act, but at the same time they appoint a third inspector who acts in the place of the first or second if one of them should be sick or absent; or if the first and second should not agree as to the quality of a hogshead of tobacco. Owing to the very large quantity of tobacco going into the warehouses at New Orleans, it is necessary to have more agents than the inspectors in a warehouse. It is necessary to have a good book keeper, sampler and weigher.

The following plan would probably meet the views of the planters and traders in the New Orleans market.

The warehouses to be so constructed as to be as secure as possible from danger of fire, pillage or dampness, and the owner or owners not be allowed to receive tobacco for inspection or storage, until the house be reported as such, and received in the manner and form prescribed by the Legislature, and give a license to receive tobacco for inspection and storage; and inspectors are appointed to inspect all tobacco received in said warehouse; and it shall be the duty of said owner or owners of said warehouse, to have in readiness a sufficient number of screws or prizes to prize all the tobacco back into a hogshead, except what may be drawn for a sample; and it shall be the

duty of the owner or owners of said warehouse, to keep a breaker, sampler, weigher, and a sufficient number of hands to cooper all the tobacco offered for inspection in said warehouse; and that when a hogshead of tobacco is required to be inspected, the hogshead shall be stripped from the tobacco, and when broke and sampled, the inspectors shall pass upon the quality, tie up the sample with a label, and put on the label with ink, the quality and number of the hogshead, and the warehouse name or mark; and they shall mark on the hogshead staves, with marking irons, the quality and number, and warehouse name or number. It shall be the duty of the weigher to see that the hogshead is weighed before it is put back on the tobacco, and then have it put under a screw or prize, and all the tobacco pressed back except the sample, and then well coopered. The weigher shall then weigh the hogshead, and mark with marking irons on the staves, the gross, tare and net weight, which he shall also put on the label of the sample with ink; and it shall then be the duty of the book keeper or clerk, appointed for said warehouse, to enter in a large book, belonging to the warehouse, the hogshead of tobacco, with the planter's or owner's name, the private marks on the hogshead, if any, the quality, number, gross, tare and net weight; and it shall be the duty of said clerk to give to the planter or owner, with his sample, a tobacco note or receipt, with the name of the warehouse, date of inspection, planter or owner's name, private marks, if any, the quality, number, gross, tare and net weight, with the clerk's name to it, which shall be binding on the owner or owners of said warehouse, for the tobacco to be delivered in like good order as received, the danger of fire excepted; and it shall be the duty of said clerk when he hands out said note or receipt to owner, to receive on each and every hogshead of tobacco so inspected, sampled, prized, coopered and weighed, one dollar for inspection, to be paid to the State as directed by law; for sampling, 25 cents per hogshead; for cooperage, nails and prizing, 75 cents per hogshead; for weighing and marking, 25 cents per hogshead; and for storage, 50 cents per hogshead, as is now regulated by the Board of Trade of New Orleans, which shall be paid over to the owners or proprietors as required by law; and it shall be the duty of said clerk, when a tobacco note or receipt is presented for the delivery of a hogshead of tobacco, to deliver the same, and enter on the tobacco book, opposite to the said number, by whom received or delivered to; and it shall be his duty to receive from the shipper or owner of said hogshead of tobacco, the storage that may be due agreeable to the rules and regulations of the Board of Trade, and pay over to the owner or proprietors as required by law. There shall be a first and second inspector appointed for each warehouse, in the manner and form prescribed by the Legislature, whose duty it shall be to inspect tobacco, and do all things required by the law; and they shall take an oath of office as may be prescribed by law; and each inspector, so appointed, shall receive a salary of \$_____, to be paid by the State; and there shall be appointed for each warehouse, in the manner and form prescribed by the Legislature, a third inspector, whose duty it shall be to act in the place of the first or second inspector in case of sickness or absence; or if the first and second should not agree as to the quality of a hogshead of tobacco; and if the third inspector should act in the place of the first or second inspector in consequence of sickness or absence, the first or second inspector, in whose place he shall so act, shall pay him for the time, in proportion to the

salary received by him ; and if the third inspector shall be called upon to decide as to the quality of a hogshead of tobacco, he shall receive the sum of \$— per day, to be paid by the State.

And there shall be appointed for each warehouse so licensed, a good clerk or book keeper, in the manner and form prescribed by the Legislature, who shall enter into bond, with good security, who shall do all things required by law, and shall take an oath of office as prescribed by law ; and it shall be the duty of the weigher to take an oath as prescribed by law.

Before I close, I will give you some idea of the losses on tobacco under the present management in New Orleans. Two friends of mine, of Kentucky, who have been engaged in putting up tobacco strips in New Orleans, had their stemery near one of those warehouses of inspection and storage of tobacco, which warehouse, in the year 1839 or 1840, received about 3,500 hds. of tobacco for inspection ; and my friends employed in their stemery, last year, a gentleman who attended to the coopering, &c. of the tobacco in the warehouse referred to, and he informed my friends that the proprietor of this warehouse sold, in the year he received the 3,500 hds. of tobacco, from the tobacco thrown off so as to get the heading in, 28 hds. and 200 bales, weighing 200 lbs. each, besides selling a large quantity of loose tobacco ; and as well as I now recollect, tobacco that season averaged not less than about \$10 per 100 lbs. So you will see that 28 hds. of tobacco of 1,500 lbs. each,

42,000

200 bales tobacco, of 200 lbs. each,

40,000

————— 82,000 lbs. at \$10 \$8,200

Making no estimate for the loose tobacco sold.

The crop of tobacco in 1839 and 1840, received in New Orleans, was 40,436 hds. which, at the rate of the 3,500 received at the warehouse referred to, will give a loss to the planters of \$94,737, if they did not account for some of the tobacco ; but as they say it is accounted for at half price, it will still give a loss of \$47,360 50. But I have no idea that more than half the tobacco thrown off is accounted for. They generally report, I see from sales rendered, about 11 or 12 pounds per hogshead. Last January I shipped from this place 34 hogsheads tobacco, and when the planters were prizing this tobacco, I requested them not to fill the hogshead by some four or five inches, so that when the tobacco should be inspected, it would not rise in the hogshead above the place for the heading, so that there would be no excuse to throw off the tobacco to get the heading in. This lot of tobacco was all weighed by myself, with good patent balances, shipped and received in New Orleans in good order, and when I received sales, the loss was upwards of 1,800 pounds ; and the quantity of loose tobacco reported, was 275 pounds, at half price, or two cents per pound, \$5 50. A merchant of this place, shipped last winter was a year, a lot of tobacco to New Orleans, and my friends engaged in stemming, purchased one hogshead of this lot. It weighed about 1,600 pounds, and the tare taken off, agreeable to the rule in New Orleans, was 12½ per cent. I was present when my friends had the tobacco taken out and the hogshead weighed, and they gained 80 lbs. in the tare, and the merchant here informed me that the loss in weight and throwing off on this hogshead, was 200 lbs. This hogshead was No. 1, and as well as I recollect, No. 1 was selling at that time in New Orleans at ten dollars. This merchant was in New Orleans early last winter, and he

complained to one of the inspectors about the quantity of tobacco taken out to get the heading in, and the inspector advised him not to fill his hogsheads by some four or five inches, and to fill up that space with corn cobs or fodder, so that when the hogshead should be opened for inspection, the tobacco would require no throwing off. He then had two fine hogsheads put up on his plantation as directed. When this tobacco was inspected he was not present, and the breaker or sampler had the lower heading taken out, and left the cobs in the upper head, and he informed me that the tobacco taken out of those two hogsheads and the loss in tare, was 80 pounds each.

The crop of tobacco received in New Orleans, 1840 and 1841, was 54,667 hogsheads, and the prices up to April or May, 1841, was for X \$6, 2d \$8 and 1st \$10 per 100 lbs., and the balance of the season it sold at 4, 6 and \$8 per 100 lbs. I think the loss in tare and throwing off per hogshead, may be safely estimated at from five to seven dollars per hogshead; but put it at five dollars per hogshead, it will give a loss to the planter or shipper in the upper country of \$273,335, allowing nothing for what is accounted for. Besides the loss to the planter and shipper in the upper country, I learn from some of the large shippers in New Orleans, that they have had considerable losses which they think grew out of the loose way of doing business in the warehouses in New Orleans. They say they have purchased tobacco from the samples and marks and weights on the hogshead, and when opened in a foreign market, found nothing but old rubbish substituted in the place of the tobacco.

Should you think proper to take an interest in this matter, and the Legislature should act, perhaps it would be well enough for the Legislature to call upon the States of Illinois, Indiana and Ohio to memorialize also, as they now make some tobacco, and of course have an interest in this subject.

Should there be any action by your Legislature, I would be glad to have the earliest information.

Very respectfully, your obedient servant,
SAMUEL LANCASTER.

Ordered, That said message be referred to the committee on Agriculture.

A message, in writing, received from the Governor on yesterday, was taken up, and is as follows, viz:

*Gentlemen of the Senate,
and House of Representatives:*

By an act passed at the first session of the present Congress, the President of the United States was authorized to cause a suitable selection to be made for the establishment of an Armory on the western waters, and to communicate all the proceedings which might be had therein to the Congress of the United States for *its approval*. From the last intelligence from Washington, I learn that the Commissioners appointed for that purpose, have made a report to the War Department, which will doubtless be communicated to Congress at the present or the commencement of the next session. I recommend to the Legislature the immediate passage of a joint resolution, tendering to the General Government the use of the water power on either of the rivers of Green, Kentucky or Licking, free of charge, in

the event it should be determined by Congress to establish an Armory within the limits of this State.

R. P. LETCHER.

February 23, 1843.

Ordered, That the said message be referred to the committee on Federal Relations.

A message was received from the House of Representatives, announcing that they had disagreed to the amendment proposed by the Senate to a bill from that House, entitled, an act to provide for a final settlement with the present Keeper of the Penitentiary, the election of another Keeper, and for other purposes.

Resolved, That the Senate insist on their amendment to the said bill.

Ordered, That Messrs. Payne, Pirtle, Rodes and D. Morgan be appointed a committee of conference, on the part of the Senate, on the disagreement of the two Houses to said amendment; and that Mr. Payne inform the House of Representatives thereof, and solicit a committee of conference on their part.

A message was received from the House of Representatives, announcing that they insisted on their disagreement to the amendment proposed by the Senate to said bill, and had appointed a committee of conference on their part.

The committee on the part of the Senate retired, and after a short time Mr. Payne reported that the said committee had agreed to insert in the said bill the sum of seven hundred and fifty dollars, as salary for the Clerk of the Penitentiary—which report was concurred in.

After a short time a message was received from the House of Representatives, announcing that they had also concurred in the said report.

The following bills were reported, viz :

By Mr. Slaughter, from the committee on Agriculture—A bill to amend the laws regulating inspections on salt.

By Mr. Pirtle, from the committee on the Judiciary—A bill for the benefit of Eunice A. Thomson and Elvira Thomson.

By Mr. Hardin, from the same committee—A bill for the benefit of George R. H. Clark and the heirs of William P. Clark, deceased.

By Mr. Garth, from a select committee—A bill for the relief of Woodson Denham and Lethe, his wife.

By Mr. J. S. Morgan, from the committee on Internal Improvement—A bill authorizing the County Court of Morgan county to change the State road leading from Mountsterling to Prestonsburg, within the county of Morgan.

By Mr. Huston, from the committee on Privileges and Elections—A bill to change the place of voting in Black's precinct, in Boone county.

Also—A bill to establish two election precincts in the county of Whitley.
Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Sterett—1. A bill to amend the law providing that the estates of persons dying without heirs or distributees should vest in the Commonwealth, and for other purposes, approved 17th January, 1840.

On the motion of Mr. Rodes—2. A bill for the benefit of mechanics.

The committee on the Judiciary was directed to prepare and bring in the 1st, and Messrs. Rodes, Payne and Loving were appointed a committee to prepare and bring in the 2d.

Mr. J. S. Morgan, from the committee on Internal Improvement, reported a bill regulating roads collateral with turnpike roads, which was read the first time, and ordered to be read a second time.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William K. Allen and wife, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. James, from a select committee, to whom was referred a bill to improve the roads of Hickman, Ballard and McCracken counties, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act to amend the road law for the counties west of the Tennessee river.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of sundry citizens of Pike county, and for other purposes.

2. An act for the benefit of James R. McDonough.

Having been returned to the possession of the Senate, the votes by which they were disagreed to were re-considered, and they were referred, the 1st to the committee on Internal Improvement, and the 2d to the committee on Finance.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the road law of the county of Campbell, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the laws in relation to the Goose creek turnpike road, in the counties of Knox and Clay, and for other purposes, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Boyd, from a select committee, reported a bill regulating the toll of grist mills, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, "in Trigg and Caldwell counties."

Mr. Hanson, on leave being given, reported a bill supplemental to the act establishing the county of Owsley, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Huston,

Resolved, That the committee on Agriculture and Manufactures be requested to examine into the propriety and expediency of passing a law prohibiting individuals of this State from depositing hemp in the streams of this Commonwealth, for the purpose of water rotting the same, thereby rendering the water of said streams impure and unhealthy, and tending to create disease, and that the committee report by bill or otherwise.

On the motion of Mr. James,

Resolved, That the committee on Federal Relations enquire into the propriety of opening a correspondence with the executive of the State of Ten-

nessee, relative to the opening and keeping in repair such roads as run immediately upon the line between the States of Kentucky and Tennessee.

Mr. Alexander, from a select committee, reported a bill concerning the mileage of the members of the General Assembly, which was read the first time as follows, to-wit:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the members of the General Assembly shall, hereafter, be allowed twelve and a half cents per mile for travelling expenses in going to and returning from the seat of Government, from their respective places of residence, to be computed according to the nearest route most usually travelled by land.

SEC. 2. Be it further enacted, That all acts coming within the purview of this act be, and the same are hereby, repealed.

Ordered, That the said bill be read a second time.

The constitutional rule as to the second reading being dispensed with,

Mr. Garth moved to amend the said bill by adding to the first section these words, viz: "and also tolls and mileage."

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Huston and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hardin,	Palmer,
Conner,	James,	Payne,
Drake,	Loving,	Pirtle,
Dyer,	McAfee,	Slaughter,
Garth,	McElroy,	Sympson,
Gilless,	Morgan, D.	Williams, M.
Griffith,	Morgan, J. S.	Young—22.
Hanson,		

Those who voted in the negative, were—

Messrs. Alexander,	Huston,	Wallace,
Bailey,	Johnson,	Walker,
Chenault,	Newell,	Williams, S. L.
Conway,	Sterett,	Woodson—13.
Hughes,		

A message was received from the House of Representatives, announcing that they were now ready to proceed to the election of Public Officers and Keeper or Keepers of the Penitentiary.

Ordered, That Messrs. Payne and Loving inform the House of Representatives that the Senate are now ready to proceed to said election.

Mr. Sterett moved the following resolution, to-wit:

Resolved, That in the election of officers, when there are more than two candidates for the same office, after the second balloting, the candidate hav-

ing the smallest number of votes shall be dropped at each succeeding balloting until the number is reduced to two.

Which was laid on the table.

After interchanging nominations between the Houses, the Senate proceeded to vote for Treasurer, and the vote stood thus:

Those who voted for Mr. James Davidson, were—

Messrs. Alexander,	Hardin,	Payne,
Bailey,	Hughes,	Pirtle,
Bennett,	Huston,	Rodes,
Boyd,	James,	Slaughter,
Chenault,	Jesup,	Sterett,
Conner,	Johnson,	Sympson,
Conway,	Loving,	Wallace,
Drake,	McAfee,	Walker,
Dyer,	McElroy,	Williams, M.
Garth,	Morgan, D.	Williams, S. L.
Gilless,	Morgan, J. S.	Woodson,
Griffith,	Newell,	Young—38.
Hanson,	Palmer,	

Messrs. Payne, Woodson and Drake were appointed a committee on the part of the Senate, to compare the joint vote and report the result.

Mr. Payne reported that Mr. James Davidson had received the unanimous vote of both Houses. Whereupon he was declared to be duly elected Treasurer for the ensuing year.

After interchanging nominations between the two Houses, the Senate proceeded to vote for Public Printer, and the vote stood thus:

Those who voted for Mr. A. G. Hodges, were—

Messrs. Alexander,	Huston,	Rodes,
Bailey,	Jesup,	Slaughter,
Bennett,	Loving,	Sterett,
Chenault,	Morgan, D.	Sympson,
Dyer,	Morgan, J. S.	Walker,
Gilless,	Palmer,	Williams, S. L.
Griffith,	Payne,	Woodson,
Hanson,	Pirtle,	Young—25.
Hardin,		

Those who voted for Wm. Tanner, were—

Messrs Boyd,	Hughes,	McElroy,
Conner,	James,	Newell,
Conway,	Johnson,	Wallace,
Drake,	McAfee,	Williams, M—13.
Garth,		

The same committee was appointed to compare the joint vote and report the result.

Mr. Payne reported that the joint vote stood thus:

For Mr. A. G. Hodges,	- - - - -	79
For Mr. Wm. Tanner,	- - - - -	58

Mr. A. G. Hodges having received a majority of all the votes given, was declared duly elected Public Printer for the ensuing year.

The Senate then proceeded to vote for Librarian, and the vote stood thus:

Those who voted for Mr. G. A. Robertson, were—

Messrs. Alexander,	Hanson,	Palmer,
Bailey,	Hardin,	Payne,
Bennett,	Hughes,	Pirtle,
Boyd,	Huston,	Rodes,
Chenault,	James,	Slaughter,
Conner,	Jesup,	Sterett,
Conway,	Loving,	Sympson,
Drake,	McAfee,	Wallace,
Dyer,	McElroy,	Walker,
Garth,	Morgan, D.	Williams, S. L.
Gilless,	Morgan, J. S.	Woodson,
Griffith,	Newell,	Young—36.

Those who voted for Mr. A. R. Lindsay, were—

Messrs. Johnson,	Williams, M—2.
------------------	----------------

The joint vote stood thus:

For Mr. Robertson,	- - - - -	120
For Mr. Lindsay,	- - - - -	15

Mr. Geo. A. Robertson having received a majority of all the votes given, was declared duly elected Librarian for the ensuing year.

The Senate proceeded to vote for President and Director of the Bank of the Commonwealth, and the vote stood thus:

Those who voted for Mr. O. G. Cates for President, were—

Messrs. Alexander,	Hardin,	Payne,
Bailey,	Hughes,	Pirtle,
Bennett,	Huston,	Rodes,
Boyd,	James,	Slaughter,
Chenault,	Jesup,	Sterett,
Conner,	Johnson,	Sympson,
Conway,	Loving,	Wallace,
Drake,	McAfee,	Walker,
Dyer,	McElroy,	Williams, M.
Garth,	Morgan, D.	Williams, S. L.
Gilless,	Morgan, J. S.	Woodson,
Griffith,	Newell,	Young—38.
Hanson,	Palmer,	

Those who voted for J. Davidson and T. S. Page for Directors, were—

Messrs. Alexander,	Hardin,	Payne,
Bailey,	Hughes,	Pirtle,
Bennett,	Huston,	Rodes,
Boyd,	James,	Slaughter,
Chenault,	Jesup,	Sterett,
Conner,	Johnson,	Sympson,
Conway,	Loving,	Wallace,
Drake,	McAfee,	Walker,
Dyer,	McElroy,	Williams, M.
Garth,	Morgan, D.	Williams, S.L.
Gilless,	Morgan, J. S.	Woodson,
Griffith,	Newell,	Young—38.
Hanson,	Palmer,	

Mr. Payne, from the committee appointed to compare the joint vote, reported that O. G. Cates, James Davidson and Thomas S. Page, had received all the votes of both Houses except two votes in the House of Representatives. Whereupon O. G. Cates was declared to be duly elected President, and James Davidson and Thomas S. Page Directors of the Bank of the Commonwealth for the ensuing year.

After interchanging nominations for Keeper or Keepers of the Penitentiary, eight votes were taken before any one received a majority of all the votes given.

The first vote of the Senate is as follows:

Those who voted for Thos. S. Theobald, were—

Messrs. Bailey,	Hanson,	Pirtle,
Bennett,	Morgan, D.	Sympson,
Conner,	Morgan, J. S.	Walker,
Dyer,	Payne,	Williams, S. L—13.
Griffith,		

For Blackburn and Bacon, Messrs. Palmer and Slaughter.

For Mr. Sloan, Messrs. Johnson and Rodes.

For Mr. Bayles, William Chenault.

Those who voted for McFerran and Elliott, were—

Messrs. Alexander,	Drake,	Sterett,
Boyd,	Hardin,	Young—8.
Conway,	James,	

Those who voted for Craig and Henry, were—

Messrs. Garth,	Jesup,	McAfee—5.
Gilless,	Loving,	

For Sanders and Jackman, Messrs. Hughes and Wallace.

For Mr. McKinney, Messrs. M. Williams and Woodson.

For Mr. Stealey, Messrs. Huston, McElroy and Newell.

The joint vote of both Houses stood thus:

For Mr. Theobald,	-	-	-	-	-	27
For Blackburn and Bacon,	-	-	-	-	-	13
For Mr. Sloan,	-	-	-	-	-	4
For Mr. Bayles,	-	-	-	-	-	7
For McFarren and Elliott,	-	-	-	-	-	43
For Craig and Henry,	-	-	-	-	-	26
For Sanders and Jackman,	-	-	-	-	-	7
For Mr. McKinney,	-	-	-	-	-	5
For Mr. Stealey,	-	-	-	-	-	6

The second vote in the Senate stood thus:

Those who voted for Thos. S. Theobald, were—

Messrs. Bailey,	Griffith,	Payne,
Bennett,	Hanson,	Pirtle,
Chenault,	Hardin,	Sympson,
Conner,	Morgan, D.	Walker,
Dyer,	Morgan, J. S.	Williams, S. L-15.

For Blackburn and Bacon, Messrs. Palmer and Slaughter.

For Mr. Sloan, William Rodes.

For Mr. Bayles, Hugh Newell.

Those who voted for McFerran and Elliott, were—

Messrs. Alexander,	Drake,	McElroy,
Boyd,	James,	Sterett,
Conway,	Johnson,	Young—9.

Those who voted for Craig and Henry, were—

Messrs. Garth,	Jesup,	McAfee—5.
Gilliss,	Loving,	

For Sanders and Jackman, Messrs. Hughes and Wallace.

For Mr. McKinney, Messrs. M. Williams and Woodson.

For Mr. Stealey, Mark E. Huston.

The joint vote stood thus:

For Mr. Theobald,	-	-	-	-	-	27
For Blackburn and Bacon,	-	-	-	-	-	13
For Mr. Sloan,	-	-	-	-	-	3
For Mr. Bayles,	-	-	-	-	-	5
For McFerran and Elliott,	-	-	-	-	-	45
For Craig and Henry,	-	-	-	-	-	30
For Sanders and Jackman,	-	-	-	-	-	8
For Mr. McKinney,	-	-	-	-	-	5
For Mr. Stealey,	-	-	-	-	-	2

The resolution offered by Mr. Sterett was taken up, amended and adopted, and is as follows, viz:

Resolved by the Senate and House of Representatives, That, hereafter, in voting for Keeper or Keepers of the Penitentiary, they will drop the hindmost.

After a short time a message was received from the House of Representatives, announcing that they had concurred in the said resolution.

The nomination of Sanders and Jackman was withdrawn.

The third vote of the Senate is as follows, viz:

Those who voted for Thos. S. Theobald, were—

Messrs. Bailey.	Griffith,	Pirtle,
Bennett,	Hanson,	Sympson,
Chenault,	Morgan, D.	Walker,
Conner,	Morgan, J. S.	Williams, S. L-14
Dyer,	Payne,	

For Blackburn and Bacon, Messrs. Palmer and Slaughter.

For Mr. Sloan, James N. Hughes.

For Mr. Bales, William Rodes.

Those who voted for McFerran and Elliott, were—

Messrs. Alexander,	Drake,	Sterett,
Boyd,	James,	Young—8.
Conway,	Johnson,	

Those who voted for Craig and Henry, were—

Messrs. Garth,	Jesup,	McAfee—5.
Gilless,	Loving,	

Those who voted for James G. McKinney, were—

Messrs. Hardin,	Williams, M,	Woodson—4.
Newell,		

Those who voted for M. R. Stealey, were—

Messrs. Huston,	McElroy,	Wallace—3.
-----------------	----------	------------

The joint vote stood thus:

For Mr. Theobald,	-	-	-	-	-	28
For Blackburn and Bacon,	-	-	-	-	-	11
For Mr. Sloan,	-	-	-	-	-	4
For Mr. Bayles,	-	-	-	-	-	7
For McFerran and Elliott,	-	-	-	-	-	43
For Craig and Henry,	-	-	-	-	-	30
For Mr. McKinney,	-	-	-	-	-	9
For Mr. Stealey,	-	-	-	-	-	6

The fourth vote of the Senate stood thus:

Those who voted for Thos. S. Theobald, were—

Messrs. Bailey,	Griffith,	Morgan, J. S.
Bennett,	Hanson,	Sympson,
Chenault,	Hardin,	Walker,
Conner,	Morgan, D.	Williams, S. L-13.
Dyer,		

For Blackburn and Bacon, Messrs. Palmer and Slaughter,
For Mr. Bayles, William Rodes.

Those who voted for McFerran and Elliott, were—

Messrs. Alexander,	Drake,	Johnson,
Boyd,	James,	Sterett—7.
Conway,		

Those who voted for Craig and Henry, were—

Messrs. Garth,	Loving,	Payne,
Gilles,	McAfee,	Pirtle—8.
Jesup,	Newell,	

For Mr. McKinney, Messrs. M. Williams and Woodson.

Those who voted for M. R. Stealey, were—

Messrs. Hughes,	McElroy,	Young—5.
Huston,	Wallace,	

The joint vote stood thus :

For Mr. Theobald,	-	-	-	-	24
For Blackburn and Bacon,	-	-	-	-	13
For Mr. Bayles,	-	-	-	-	15
For McFerrin and Elliott,	-	-	-	-	41
For Craig and Henry,	-	-	-	-	32
For Mr. McKinney,	-	-	-	-	5
For Mr. Stealey,	-	-	-	-	8

The fifth vote of the Senate stood thus:

Those who voted for Thos. S. Theobald, were—

Messrs. Bailey,	Hanson,	Pirtle,
Bennett,	Morgan, D.	Sympson,
Conner,	Morgan, J. S.	Walker,
Dyer,	Newell,	Williams, S. L-14.
Griffith,	Payne,	

Those who voted for Blackburn and Bacon, were—

Messrs. Hardin,	Slaughter,	Woodson—4.
Palmer,		

For Mr. Bayles, Messrs. Chenault and Rodes.

Those who voted for McFerran and Elliott, were—

Messrs. Alexander,	Drake,	Sterett,
Boyd,	James,	Williams, M.
Conway,	Johnson,	Young—9.

Those who voted for Craig and Henry, were—

Messrs. Garth,	Jesup,	McAfee—5.
Gilless,	Loving,	

Those who voted for M. R. Stealey, were—

Messrs. Hughes,	McElroy,	Wallace—4.
Huston,		

The joint vote stood thus:

For Mr. Theobald,	-	-	-	-	-	23
For Blackburn and Bacon,	20
For Mr. Bayles,	-	-	-	-	-	17
For McFerran and Elliott,	-	-	-	-	-	40
For Craig and Henry,	-	-	-	-	-	30
For Mr. Stealey,	-	-	-	-	-	7

The sixth vote of the Senate stood thus:

Those who voted for Thos. S. Theobald, were—

Messrs. Bailey,	Hanson,	Pirtle,
Bennett,	Johnson,	Sympson,
Chenault,	Morgan, D.	Walker,
Conner,	Morgan, J. S.	Williams, S. L.
Dyer,	Payne,	Woodson—16.
Griffith,		

Those who voted for Blackburn and Bacon, were—

Messrs. Hughes,	Slaughter,	Wallace—4.
Palmer,		

Those who voted for Joseph Bayles, were—

Messrs. Huston,	McElroy,	Rodes—3.

Those who voted for McFerran and Elliott, were—

Messrs. Boyd,	James,	Williams, M.
Conway,	Newell,	Young—8.
Drake,	Sterett,	

Those who voted for Craig and Henry, were—

Messrs. Alexander,	Hardin,	Loving,
Garth,	Jesup,	McAfee—7.
Gilless,		

The joint vote stood thus:

For Mr. Theobald,	-	-	-	-	30
For Blackburn and Bacon,	-	-	-	-	20
For Mr. Bayles,	-	-	-	-	13
For McFerran and Elliott,	-	-	-	-	43
For Craig and Henry,	-	-	-	-	32

The nomination of Messrs. Blackburn and Bacon was withdrawn.

The seventh vote of the Senate stood thus:

Those who voted for Thos. S. Theobald, were—

Messrs. Bailey,	Hardin,	Pirtle,
Bennett,	Huston,	Slaughter,
Chenault,	Johnson,	Sympson,
Conner,	Morgan, D.	Walker,
Dyer,	Morgan, J. S.	Williams, S. L.
Griffith,	Payne,	Woodson—19.
Hanson,		

Those who voted for McFerran and Elliott, were—

Messrs. Alexander,	James,	Sterett,
Boyd,	McElroy,	Williams, M.
Conway,	Newell,	Young—10.
Drake,		

Those who voted for Craig and Henry, were—

Messrs. Garth,	Jesup,	Palmer,
Gilles,	Loving,	Rodes,
Hughes,	McAfee,	Wallace—9.

The joint vote stood thus:

For Mr. Theobald,	-	-	-	-	36
For McFerran and Elliott,	-	-	-	-	49
For Craig and Henry,	-	-	-	-	53

The eighth vote stood thus:

Those who voted for McFerran and Elliott, were—

Messrs. Alexander,	Hardin,	Sterett,
Boyd,	Huston,	Sympson,
Conway,	James,	Williams, M.
Drake,	McElroy,	Young—13.
Griffith,		

Those who voted for Craig and Henry, were—

Messrs. Bailey,	Dyer,	Hughes,
Bennett,	Garth,	Jesup,
Chenault,	Gilles,	Johnson,
Conner,	Hanson,	Loving,

McAfee,	Payne,	Wallace,
Morgan, D.	Pirtle,	Walker,
Morgan, J. S.	Rodes,	Williams, S. L.
Newell,	Slaughter,	Woodson—25.
Palmer,		

The joint vote stood thus:

For McFerran and Elliott,	- - - - -	57
For Craig and Henry,	- - - - -	81

Messrs. Craig and Henry having received a majority of all the votes given, were declared duly elected Keepers of the Penitentiary.

And then the Senate adjourned.

SATURDAY, FEBRUARY 25, 1843.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act to amend the law in relation to the Goose creek turnpike road passing through Clay and Laurel counties.

An act to change the place of voting in the Red river precinct, in Montgomery county, and for other purposes.

An act to provide that the Sheriff of Campbell county may execute his official bonds, and for other purposes.

An act for the benefit of Henry O. Beatty.

An act to change the terms of the Morgan County Court, and for other purposes.

An act to reduce the number of Constables in the county of Mercer, and for other purposes.

An act to amend the law establishing the 7th and 16th Judicial Districts, and regulating the terms of the courts.

An act to remove the seat of justice of Calloway county.

An act to establish the county of Johnson.

Approved February 24, 1843.

That they had passed bills of the following titles, to-wit:

1. An act for the benefit of David B. Sanders and others.

[FEB. 25.

2. An act to reduce the number of Justices and Constables in the county of Casey.

3. An act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes, approved February 16, 1839.

4. An act to authorize a change of venue in the case of the Commonwealth against Sam, a slave.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 2d bills were referred to the committee on Propositions and Grievances, and the 3d and 4th to the committee on the Judiciary.

Mr. Rodes presented a communication from the Commissioners of the Kentucky Conference to the Legislature of Kentucky, in reply to a memorial from the Trustees of Augusta College, which was received and referred to the committee on Education.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

The Senate resumed the consideration of a bill concerning the mileage of the members of the General Assembly.

The said bill was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the city of Louisville, and for other purposes, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend the law authorizing changes of venue in civil cases.

An act for the benefit of Andrew Lewis.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, reported the following bills, to-wit:

A bill to legalize the proceedings of the Crittenden Circuit Court, and for other purposes.

A bill for the benefit of Caroline E. M. Porter.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition of John Kirtley, Wm. D. Dale and Paulina Cave.

Mr. Alexander, from a select committee, reported a bill to amend the law concerning the distribution of the public books, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Finance.

Mr. Walker, from the committee on Propositions and Grievances, reported the following bills, viz:

1. A bill to reduce the number of Constables in the county of Nicholas.
2. A bill to change the name of Fayette Clinton to that of Ewing.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the first was amended, and said bills were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the title of the 1st bill be amended by adding thereto, "and for other purposes," and that the title of the 2d be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, to-wit:

1. An act for the benefit of Samuel Nelson.
2. An act for the benefit of James R. McDonough.

Reported the same with the opinion of the committee that the 1st bill ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. James, from the same committee, reported a bill to amend the laws establishing and regulating the Lunatic Asylum, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on Finance.

Mr. James, from the same committee, to whom was referred the petition of John Wycoff, reported the following resolution thereon, *to-wit*:

Resolved, That the said petition be rejected.

Which was twice read and concurred in.

Mr. Slaughter, from the committee on Agriculture, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the several County Courts of this State to appoint Inspectors of beef, pork and lard, reported the same without amendment, and the further consideration of the said bill was postponed until the first day of June next.

Mr. Bennett, from a select committee, to whom was referred a bill to amend the law relative to the Milk Sicknes, approved February 8th, 1841, reported the same with an amendment, which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. James,

Resolved, That the committee on Internal Improvement enquire into the expediency and propriety of amending the law now in force relative to the payment of interest on the State bonds, heretofore or hereafter to be issued. That said committee also enquire as to the propriety of passing a law providing, that when any State bond, as aforesaid, shall not be presented for the payment of the interest within two years after the same may fall due, that the interest which may then have accrued, shall be held as forfeited, and shall enure to the benefit of this Commonwealth.

On the motion of Mr. Loving, leave was given to withdraw the petition of the heirs of Cyrus Edwards, deceased.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills from the Senate of the following titles, *viz*:

An act for the benefit of the Sheriff of Hickman county.

An act to amend the charter of the Fireman's Insurance Company of Louisville.

An act to revive an act, entitled, an act for the benefit of all those who may have executed bonds to the Commonwealth for public arms, approved February 5, 1842.

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, *to-wit*:

1. An act to amend the law of Landlord and Tenant.
2. An act to explain the law concerning the prison bounds, and authorize replevin in certain cases of misdemeanor.
3. An act to amend an act, entitled, an act regulating divorces in this Commonwealth, approved January 31, 1809.

Were twice read and referred, the 1st and 2d to the committee on the Judiciary, and the 3d to the committee on Religion.

The amendment proposed by the House of Representatives to the resolution fixing a day for the adjournment of the General Assembly, was taken up. The amendment proposes to strike out the fourth and insert the tenth of March, as the day to adjourn.

Mr. Drake moved to lay the said resolution on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Drake and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Huston,	Palmer,
Conway,	James,	Sympson,
Drake,	Johnson,	Wallace,
Dyer,	Morgan, J. S.	Williams M.—14.
Garth,	Newell,	

Those who voted in the negative, were—

Messrs. Bailey,	Hardin,	Rodes,
Bennett,	Hughes,	Slaughter,
Boyd,	Jesup,	Sterett,
Chenault,	Loving,	Walker,
Conner,	McAfee,	Williams, S. L.
Gilless,	McElroy,	Woodson,
Griffith,	Morgan, D.	Young—23.
Hanson,	Payne,	

Mr. Payne moved the previous question, and the main question was ordered.

The question was taken on concurring in the said amendment, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and Griffith, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Alexander,	Gilless,	Jesup,
Boyd,	Griffith,	Loving,
Chenault,	Hanson,	McAfee,
Conner,	Hardin,	McElroy,
Dyer,	Huston,	Morgan, D.

Palmer,	Sterett,	Williams, S. L.
Payne,	Sympson,	Woodson,
Rodes,	Walker,	Young—26.
Slaughter,	Williams, M.	

Those who voted in the negative, were—

Messrs. Bailey,	Garth,	Morgan, J. S.
Bennett,	Hughes,	Newell,
Conway,	James,	Wallace—11.
Drake,	Johnson,	

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act change the name of Fayette Clinton to that of Ewing.

The Senate resumed the consideration of a bill to amend the charter of the Bank of Louisville.

One of the amendments reported from the committee of the whole proposes to strike out of the first section of the bill, the words, "in the town of Paducah, in the county of McCracken," being the place where a branch of the said Bank of Louisville is to be located.

The question being taken on the adoption of the said amendment, it was decided in the negative, and so the said amendment was rejected.

The yeas and nays being required thereon by Messrs. Sterett and Griffith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey.	Hardin,	Palmer,
Conner,	Hughes,	Sterett,
Drake,	Huston,	Sympson,
Dyer,	McAfee,	Walker,
Garth,	Newell,	Williams, S. L—16
Griffith,		

Those who voted in the negative, were—

Messrs. Alexander,	James,	Payne,
Bennett,	Jesup,	Pirtle,
Boyd,	Johnson,	Rodes,
Chenault,	Loving,	Wallace,
Conway,	McElroy,	Williams, M.
Gilless,	Morgan, D.	Woodson,
Hanson,	Morgan, J. S.	Young—21.

One of the said amendments reported from the committee proposes to add the following section, viz:

SEC. 21. It shall be the duty of said Banks in making the loans herein provided for, to divide the sum going to each district among the several counties composing such district, in proportion to the *number of voters* in each

county respectively, as near as may be: *Provided*, That if there be not good and satisfactory applications from any county for the full amount to which such county is entitled, within ninety days from the first of March next, then the said Banks may lend the remainder of the share of such county to citizens of other counties in the same district.

Mr. J. S. Morgan moved to amend the said section by striking out the words, "number of voters," printed in italics, and inserting in lieu thereof, the words, "valuation of property for taxation."

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Garth and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Newell,	Wallace,
Griffith,	Sterett,	Williams, S. L—7.
Morgan, J. S.		

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Morgan, D.
Bailey,	Hughes,	Palmer,
Chenault,	Huston,	Payne,
Conner,	James,	Rodes,
Conway,	Jesup,	Slaughter,
Drake,	Johnson,	Walker,
Dyer,	Loving,	Williams, M.
Garth,	McAfee,	Woodson,
Gilless,	McElroy,	Young—28.
Hanson,		

One of the said amendments reported from the committee proposes to add the following section, viz:

Sec. 22. *Be it further enacted*, That the Governor shall be authorized, (after the stock of the State in said Banks has been cancelled as herein provided,) to sell not exceeding one million seven hundred and fifty thousand dollars of the bonds or scrip of the State of Kentucky, in sums of not less than \$1,000 each, bearing an interest of five per centum per annum, payable semi-annually in the city of New York, and having not more than 30 years to run, and to invest the proceeds thereof in the stock of the Northern Bank of Kentucky, the Bank of Kentucky and the Bank of Louisville, at its market value: *Provided*, That the stock of the Northern Bank of Kentucky and the Bank of Louisville can be bought for ten dollars per share less than one hundred dollars of said bonds may be sold for, and that the stock of the Bank of Kentucky can be bought for twenty dollars less per share than one hundred dollars of said bonds may be sold for; and the stock so purchased shall stand in the name of, and be held by, the Commissioners of the Sinking Fund, and the dividends thereon shall be appropriated by said Commissioners to the payment of demands against said Fund.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Hughes, were as follows, *to-wit*:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Rodes,
Bailey,	Huston,	Slaughter,
Bennett,	James,	Sterett,
Chenault,	Jesup,	Wallace,
Conway,	Loving,	Walker,
Dyer,	McElroy,	Williams, M.
Gilless,	Morgan, D.	Williams, S. L.
Griffith,	Morgan, J. S.	Woodson,
Hanson,	Payne,	Young—27.

Those who voted in the negative, were—

Messrs. Conner,	Hughes,	Newell,
Drake,	Johnson,	Palmer—S.
Garth,	McAfee,	

The other amendments reported from the committee of the whole were then concurred in.

Ordered, That the Public Printer print 150 copies of the said bill, as amended, for the use of the General Assembly.

And then the Senate adjourned.

MONDAY, FEBRUARY 27, 1843.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled preambles and resolutions, and enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, *to-wit*:

Preamble and resolutions in relation to the Oregon Territory.

Preamble and resolutions relative to the purchase and manufacture of hemp in Kentucky for the use of the Navy of the United States.

An act to change the name of Fayette Clinton to that of Ewing.

An act to repeal an act allowing an additional term to the Hardin Circuit Court.

An act allowing an additional Justice of the Peace to the county of Lincoln.

An act to authorize the County Court of Fayette to pay for an addition to the Circuit Court Clerk's office in the city of Lexington.

An act allowing an additional Justice of the Peace to the county of Garrard.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred the amendments proposed by the House of Representatives to bills from the Senate of the following titles, viz:

An act to amend the law of Landlord and Tenant.

An act to explain the law concerning the prison bounds, and to authorize replevin in certain cases of misdemeanor.

Reported the same with the opinion of the committee that the said amendments ought not to be concurred in.

Resolved, That the Senate disagree to said amendments.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act for the benefit of Elizabeth Williams.

An act for the benefit of the heirs of Robert Bell, deceased.

An act concerning the appointment of Constables.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Trustees of the Washington Presbyterian Church, in Mason county, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William T. Meaders, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading it a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to reduce the number of Justices and Constables in the county of Casey, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Young, from the committee on Religion, to whom was referred the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend an act, entitled, an act regulating divorces in this Commonwealth, approved 31st January, 1809, reported the same with the opinion of the committee that said amendments should be concurred in.

The said bill provides that decrees may be made for divorces by the proper courts in this Commonwealth, in favor of the husband. "2d. Where the wife shall abandon the husband for the space of *two years*." "5th. In favor of the wife where the husband shall abandon her and be guilty of acts of adultery."

The first amendment of the House of Representatives proposes to strike out the word "*two*," printed in italics, and to insert, in lieu thereof, the word "*one*."

The second amendment proposes to add to the fifth clause above, the words, "or where the husband has abandoned her for the space of one year."

The question being taken on concurring in the said amendments, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Drake, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hughes,	Palmer,
Boyd,	Huston,	Payne,
Conner,	James,	Slaughter,
Garth,	Johnson,	Sympson,
Gilless,	McAfee,	Walker,
Hanson,	McElroy,	Williams, M.
Hardin,	Newell,	Young— 21 .

Those who voted in the negative, were—

Messrs. Alexander,	Jesup,	Rodes,
Chenault,	Loving,	Sterett,
Conway,	Morgan, D.	Wallace,
Drake,	Morgan, J. S.	Williams, S. L.
Dyer,	Pirtle,	Woodson—16.
Griffith,		

Another amendment proposes to add to the said bill the following section, viz:

SEC. 4. That in all cases where one party has been divorced, the other party is hereby released from all the obligations of the marriage contract, and restored to all the rights of single persons.

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pirtle and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hardin,	Palmer,
Bennett,	Hughes,	Payne,
Boyd,	Huston,	Slaughter,
Conner,	James,	Sympson,
Garth,	Johnson,	Walker,
Gilless,	McAfee,	Williams, M.
Hanson,	McElroy,	Young—21.

Those who voted in the negative, were—

Messrs. Alexander,	Loving,	Rodes,
Chenault,	Morgan, D.	Sterett,
Conway,	Morgan, J. S.	Wallace,
Drake,	Newell,	Williams, S. L.
Dyer,	Pirtle,	Woodson—16.
Griffith,		

The other amendment proposed to said bill was then concurred in.

Mr. Newell presented the petition of the heirs of Andrew Moore, dec'd, praying for the passage of a law authorizing the sale of a tract of land belonging to said decedent, which was received and referred to the committee on the Judiciary.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills and enrolled preambles and resolutions which originated in the Senate, of the following titles, viz:

An act to change the name of Fayette Clinton to that of Ewing.

An act to repeal an act allowing an additional term to the Hardin Circuit Court.

An act allowing an additional Justice of the Peace to the county of Lincoln.

An act to authorize the County Court of Fayette to pay for an addition to the Circuit Court Clerk's office in the city of Lexington.

An act allowing an additional Justice of the Peace to the county of Garrard.

Preamble and resolutions in relation to the Oregon Territory.

Preamble and resolutions relative to the purchase and manufacture of hemp in Kentucky for the use of the Navy of the United States.

Approved February 27, 1843.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, *to-wit*:

Gentlemen of the Senate:

I nominate for your advice and consent, Thomas B. Stevenson to be Clerk of the Penitentiary.

R. P. LETCHER.

February 27, 1843.

Resolved, That the Senate advise and consent to the said appointment.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Edward G. Watkins, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. James, from the same committee, to whom was referred a bill to amend the laws establishing and regulating the Lunatic Asylum, and for other purposes, reported the same with an amendment, which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The Senate resumed the consideration of a bill to amend the charter of the Bank of Louisville.

The said bill was further amended.

Mr. McElroy moved to amend the first section of said bill by inserting, after the words "in the town of Paducah, in the county of McCracken," (being the place where a branch of the said Bank is to be located,) these words, viz: "or at any other point within the first Congressional District that the said Bank may select."

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McElroy and James, were as follows, *viz*:

Those who voted in the affirmative, were—

Messrs. Alexander,	Drake,	Newell,
Bailey,	Garth,	Palmer,
Bennett,	Hanson,	Sympson,
Boyd,	Hughes,	Walker,
Chenault,	McAfee,	Woodson,
Conner,	McElroy,	Young—18.

FEB. 27.]

JOURNAL OF THE SENATE.

315

Those who voted in the negative, were—

Messrs. Dyer,	Loving,	Rodes,
Gilless,	Morgan, D.	Slaughter,
Griffith,	Morgan, J. S.	Sterett,
Hardin,	Payne,	Wallace,
James,	Pirtle,	Williams, S. L—16.
Johnson,		

The said vote was re-considered.

The question was again taken on the adoption of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. McElroy and James were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hanson,	Newell,
Boyd,	Hughes,	Palmer,
Conner,	Huston,	Sympson,
Drake,	McElroy,	Walker—13.
Garth,		

Those who voted in the negative, were—

Messrs. Bennett,	Jesup,	Rodes,
Chenault,	Johnson,	Slaughter,
Conway,	Loving,	Sterett,
Dyer,	McAfee,	Wallace,
Gilless,	Morgan, D.	Williams, M.
Griffith,	Morgan, J. S.	Williams, S. L.
Hardin,	Payne,	Woodson,
James,	Pirtle,	Young—24.

Mr. McAfee moved to amend the said bill by adding thereto the following section, viz :

That from and after the first day of January next, it shall not be lawful for any President or Director of either of the said Banks or branches in which he is President or Director, to be indebted to it individually or in connection with his partner in business, or any other individual or co-partnership, to a greater sum than three thousand dollars on accommodation paper, and the further sum of five thousand dollars on business paper or bills of exchange.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and S. L. Williams, were as follows, to-wit :

Those who voted in the affirmative, were—

Messrs. Conner,	Hughes,	Palmer,
Conway,	Johnson,	Wallace,
Drake,	McAfee,	Williams, M—11.
Garth,	Newell,	

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Payne,
Bailey,	Huston,	Pirtle,
Boyd,	James,	Rodes,
Chenault,	Jesup,	Sterett,
Dyer,	Loving,	Walker,
Gilles,	McElroy,	Williams, S. L.
Griffith,	Morgan, D.	Woodson,
Hanson,	Morgan, J. S.	Young—24.

The fourteenth section of said bill is as follows, viz:

Sec. 14. That the Bank of Kentucky, and the Northern Bank of Kentucky, and the Bank of Louisville be, and they are hereby, restored to all their corporate privileges, and released from all the forfeitures which they may have heretofore incurred by the suspension of specie payments.

Mr. Wallace moved to amend the said section by adding thereto the following proviso, viz:

Provided, The provisions of this act be complied with on the part of the aforesaid Banks.

Mr. S. L. Williams moved the previous question and withdrew it at the request of Mr. Hughes, for him to make an explanation, who promised to renew it, and then Mr. Hughes moved the previous question.

The question being taken, shall the main question be now put? it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wallace and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Loving,	Pirtle,
Bailey,	McElroy,	Rodes,
Chenault,	Morgan, D.	Slaughter,
Griffith,	Morgan, J. S.	Williams, S. L.
Hanson,	Payne,	Young—15.

Those who voted in the negative, were—

Messrs. Boyd,	Hanson,	Newell,
Conner,	Hardin,	Palmer,
Conway,	Hughes,	Sterett,
Drake,	James,	Wallace,
Dyer,	Jesup,	Walker,
Garth,	Johnson,	Williams, M.
Gilles,	McAfee,	Woodson—21.

Mr. Wallace then modified the amendment moved by him to read as follows, viz:

Provided, That this section shall apply only to such of said Banks as shall comply with the provisions of this act.

The question being taken on the adoption of the said amendments, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wallace and Garth, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Griffith,	McElroy,
Bailey,	Hanson,	Newell,
Boyd,	Hardin,	Palmer,
Chenault,	Hughes,	Sterett,
Conner,	Huston,	Sympson,
Conway,	James,	Wallace,
Drake,	Jesup,	Walker,
Dyer,	Johnson,	Williams, M.
Garth,	Loving,	Williams, S. L.
Gilless,	McAfee,	Woodson—30.

Those who voted in the negative, were—

Messrs. Morgan, D.	Payne,	Rodes,
Morgan, J. S.	Pirtle,	Slaughter—6.

Mr. Hughes moved to amend the said bill by adding thereto the following sections, viz:

Be it further enacted, That the Bank of Louisville shall be required to appoint and continue an agent or agents in each of the counties of the Congressional Districts in which the parent Bank and its branches are located, whose duty it shall be to receive notes and report to the Bank the situation and character of the applicants as to their solvency and punctuality; which agents, before acting as such, shall take an oath faithfully and impartially to discharge the duties required of them by law: *Provided further*, That the first hundred thousand dollars of the loans hereafter made by the parent Bank or its branches, in the districts where they are severally located, shall be apportioned among the counties composing each district as equally as may be, having respect to the number of voters in each county.

Be it further enacted, That the Bank of Kentucky and Northern Bank of Kentucky shall appoint agents as required of the Bank of Louisville in the foregoing section, in all the counties of the Congressional Districts in which they are severally required to make loans by this act: *Provided, however*, That it shall not be imperative on said Banks to accommodate with loans, any person or persons recommended by said agents, but they shall exercise a sound discretion in extending accommodations to the persons recommended.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hughes and Walker, were as follows, viz:

[FEB. 27.

Those who voted in the affirmative, were—

Messrs. Conner,	Gilless,	McAfee,
Conway,	Hughes,	Palmer,
Drake,	Huston,	Williams M.—11.
Garth,	Johnson,	

Those who voted in the negative, were—

Messrs. Alexander,	Jesup,	Slaughter,
Bailey,	Loving,	Sterett,
Boyd,	McElroy,	Sympson,
Chenault,	Morgan, D.	Wallace,
Dyer,	Morgan, J. S.	Walker,
Griffith,	Newell,	Williams, S. L.
Hanson,	Payne,	Woodson,
Hardin,	Pirtle,	Young—26.
James,	Rodes,	

A part of the fifteenth section of the said bill reads as follows, viz:

"That it shall be the duty of the said Banks, within three months, to loan to the citizens of each of the ten Congressional Districts in which the Bank of Louisville may not locate a branch, upon new accommodations, in sums of not more than *one thousand dollars* to each individual applicant"—"an amount not less than one hundred thousand dollars to each Congressional District."

Mr. Newell moved to amend the same by striking out "one thousand dollars," printed in italics, and inserting, in lieu thereof, "five hundred dollars."

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Newell and Wallace, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Chenault,	Johnson,	Wallace,
Garth,	Newell,	Walker,
Hughes,	Sympson,	Williams, M—10.
Huston,		

Those who voted in the negative, were—

Messrs. Alexander,	Hanson,	Palmer,
Bailey,	Hardin,	Payne,
Boyd,	James,	Pirtle,
Conner,	Jesup,	Rodes,
Conway,	Loving,	Slaughter,
Drake,	McAfee,	Sterett,
Dyer,	McElroy,	Williams, S. L.
Gilless,	Morgan, D.	Woodson,
Griffith,	Morgan, J. S.	Young—27.

Mr. Walker moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

Ordered, That the said bill be engrossed and read a third time.

Mr. Hanson moved to dispense with the constitutional rule as to the third reading of the said bill.

The question being taken thereon, it was decided in the negative, four-fifths of the votes not being therewith.

The yeas and nays being required thereon by Messrs. McAfee and Payne, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Huston,	Rodes,
Bailey,	James,	Slaughter,
Chenault,	Jesup,	Sterett,
Dyer,	Loving,	Sympson,
Gilless,	McElroy,	Wallace,
Griffith,	Morgan, D.	Walker,
Hanson,	Morgan, J. S.	Williams, S. L.
Hardin,	Payne,	Woodson,
Hughes,	Pirtle,	Young—27.

Those who voted in the negative, were—

Messrs. Boyd,	Garth,	Newell,
Conner,	Johnson,	Palmer,
Conway,	McAfee,	Williams, M—10.
Drake,		

On the motion of Mr. Hanson,

Resolved, That the said bill have its third reading to-morrow at twelve o'clock.

And then the Senate adjourned.

TUESDAY, FEBRUARY 28, 1843.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of the mechanics of Oldham and other counties.
2. An act for the benefit of Rosannah Rock.
3. An act to increase the jurisdiction of the Trustees of the town of Owenboro'.

4. An act for the benefit of the Board of Commissioners of Internal Improvement of McCracken county.

5. An act to change the name of Mary Ann Mason.

6. An act for the benefit of Blair Hereford and Beverly Hereford.

7. An act for the benefit of C. T. Taylor and John Aulsebrook.

8. An act divorcing sundry persons of this Commonwealth.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred: the 1st, 3d, 6th and 7th to the committee on the Judiciary; the 2d to the committee on Finance; the 4th to the committee on Internal Improvement; the 5th to the committee on Propositions and Grievances, and the 8th to the committee on Religion.

1. Mr. Wallace presented the petition of sundry citizens of Boone county, praying for the passage of a law to exempt Preachers of the Gospel, of every denomination, from the payment of toll on turnpike roads.

2. Mr. S. L. Williams presented the petition of Green B. Camplin, praying for the passage of a law to release him from the penalty of certain indictments for bringing slaves into this State.

3. Mr. J. S. Morgan presented the petition of sundry citizens of the town of Paris, praying for the passage of a law authorizing an augmentation of the number of members to the Paris Fire Company.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d and 3d to the committee on Propositions and Grievances.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jonathan Williams, late Sheriff of Russell county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill to amend the law concerning the distribution of the public books, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a

bill from the House of Representatives, entitled, an act to authorize a change of venue in the case of the Commonwealth against Sam, a slave, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes, approved February 16, 1839, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Pirtle, from the same committee, reported a bill to regulate trials before Justices of the Peace, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended and re-committed to the committee on the Judiciary.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition of the heirs of Andrew Moore, deceased.

On the motion of Mr. Hughes, the vote by which a bill from the House of Representatives, entitled, an act for the benefit of William T. Meaders was disagreed to, was re-considered, and the said bill was referred to the committee on the Judiciary.

The following bills were reported, viz :

By Mr. James, from the committee on Finance—1. A bill for the benefit of Massol & Company.

By Mr. Pirtle, from the committee on the Judiciary—2. A bill for the benefit of Nicholas Jones.

3. A bill for the benefit of James R. Roden, of Hickman county.

4. A bill to amend an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes, approved 17th January, 1840.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the fourth was amended, and the said bills were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of David B. Sanders, and others, reported the same with an amendment, which was concurred in, and the Senate proceeded to the consideration of the orders of the day.

An engrossed bill, entitled, an act to amend the charter of the Bank of Louisville, was read the third time.

Mr. Newell moved to amend the said bill by adding thereto the following engrossed clause by way of ryder, viz :

Be it further enacted, That the said Banks shall keep in circulation the amount of notes they now have in circulation, together with the one million proposed to be put in circulation by this bill, for the space of two years after the passage of this act.

Mr. Payne moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Bailey, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Alexander,	James,	Rodes,
Bailey,	Jesup,	Slaughter,
Chenault,	Loving,	Sterett,
Dyer,	McElroy,	Sympson,
Gilless,	Morgan, D.	Walker,
Griffith,	Morgan, J. S.	Williams, S. L.
Hanson,	Payne,	Woodson—23.
Hardin,	Pirtle,	

Those who voted in the negative, were—

Messrs. Bennett,	Hughes,	Newell,
Boyd,	Huston,	Palmer,
Conner,	Johnson,	Wallace,
Drake,	McAfee,	Williams, M—13.
Garth,		

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and M. Williams, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Alexander,	Chenault,	Gilless,
Bailey,	Conway,	Griffith,
Bennett,	Dyer,	Hanson,

FEB. 25.]

JOURNAL OF THE SENATE.

323

Hardin,	Morgan, J. S.	Sympson,
Huston,	Payne,	Wallace,
James,	Pirtle,	Walker,
Jesup,	Rodes,	Williams, S. L.
Loving,	Slaughter,	Woodson,
McElroy,	Sterett,	Young—28.
Morgan, D.		

Those who voted in the negative, were—

Messrs. Boyd,	Hughes,	Newell,
Conner,	Johnson,	Palmer,
Drake,	McAfee,	Williams, M—10.
Garth,		

Resolved, That the title of said bill be amended to read, an act to amend the charters of the Banks of Kentucky.

The Senate resumed the consideration of a bill to extend the right to redeem land sold for the payment of debts.

The said bill is as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That where land shall be ordered to be sold by a decree of a court foreclosing a mortgage, it shall be the duty of the Commissioner to cause the same to be valued as Sheriffs are directed to have land valued where the same is levied upon by a *fieri facias*, and unless the same shall be sold for two-thirds of its value, the same may be redeemed in one year as if sold under a *fieri facias*; and the equity of redemption shall be subject to be sold under execution as in other cases, and subject to the like redemption.

The amendment offered by Mr. J. S. Morgan on the 18th instant, proposes to insert, after the enacting clause, the following, viz:

That the time of the redemption of lands, sold under execution, shall be extended to two years instead of one year, on all sales hereafter to take place, where the land shall be sold for two-thirds of its value.

Mr. McAfee moved to amend the said amendment by adding thereto the following, viz:

All executions of *fieri facias* issued by Justices of Peace, or any of the Courts in this Commonwealth, on judgments or decrees in Chancery, shall be made returnable in ninety days.

That all personal estate, as well as slaves taken under execution, before it is exposed to sale, shall be first appraised at its real value in ordinary times, by two disinterested housekeepers, selected by the several County Courts in this Commonwealth, and in case of their disagreement, a third shall be selected by said appraisers, as their umpire, all of whom shall be sworn "to appraise all such property as shall be shown to them, without favor or partiality, according the best of their ability." And for this purpose, the said County Courts shall, at their first or second term after the passage of this act, appoint not less than six, or more than ten, appraisers,

in different parts of their counties, who shall attend, when called on by any Sheriff, Constable or Coroner, and discharge the duties aforesaid.

That all personal estate, including slaves, taken under execution, shall be divided into four classes: 1st, slaves; 2d, all productions of the earth and manufactured articles, including the raw material intended, or in a state of preparation, for manufacture; 3d, household and kitchen furniture, or farming utensils; 4th, horses, mules, jacks, cattle, hogs, sheep, or any other animal property subject to execution. If any of the aforesaid property shall not, when exposed to sale, bring two-thirds of its appraised value, it shall not be made, unless the plaintiff and defendant shall agree upon a less value; and in the event of no sale, a second execution may be levied upon the same or other property, and upon exposing it to sale a second time, or any part thereof, and it does not bring one half of its appraised value, it shall not be sold; but a third execution may issue, on which the property may be sold for the best price which can be got. Nevertheless, the defendant, or his heirs, executors or administrators, shall have the right to redeem the first class of property in twelve months after the day of sale, and in the same way, three months after the sale of the second class of property, and nine months for the third class, and six months for the fourth class.

That upon the first or second attempt to sell property under execution, as above provided for, the defendant shall have the right of retaining the property, if not sold, in his possession, provided he give bond and security, to be approved of by the officer, for the delivery of the same, when called for, to be sold within three months from the day of sale; which bond shall be returned to the office from whence it issued, and shall have the force of a replevin bond; and execution may issue thereon, in case said property is not delivered, and no security shall be taken, and the property shall be sold, or any other property levied on, for what it will bring.

That upon the final sale of any property for what it will bring, and the defendant elects to redeem it, the cattle, hogs or sheep which may be sold, shall remain in his possession, and he shall give bond, with security to be approved of by the officer, to the purchaser, conditioned to deliver the same at the expiration of the time for redemption; and in case he fails to redeem it, the bond shall be returned to the office as aforesaid, and have the force and effect of a replevin bond, with lawful interest, and execution may issue thereon in the name of the purchaser, and no security shall be taken; and any property levied thereon shall be sold for what it will bring. In case the defendant shall fail or refuse to give a delivery bond, the sale shall be absolute.

That in the event of the sale of any other property, (except cattle, hogs or sheep,) and the defendant claims the right of redemption, the purchaser may elect to take possession of the same, or leave it with the defendant upon such terms as they can agree. But in the event of taking possession of the property, he shall give bond and approved security, as aforesaid, to return the same, or one half its appraised value, at the expiration of the time for its redemption, if the defendant redeems the same; and in case it is not redeemed, with lawful interest, the sale shall be absolute.

That when two or more executions are levied on the same property, previous to the day of sale, the plaintiff in the first execution, or plaintiffs, if the executions are levied at the same time, shall have the preference to bid

two-thirds or one half the appraised value of the property, as the case may be, and in case no higher bid is made, so that the same may be sold on his or their execution, the plaintiffs in the other execution, in the order of priority, shall have the right to bid for the property in the same way; and if the bid is sufficient to cause the sale, the amount shall be applied to his or her execution. But nothing herein contained shall impair the validity of any execution, to prevent its being levied on any other property, until the same is fully satisfied.

That in all cases where any property is taken under execution, and a delivery bond is required, and the defendant fails or refuses to give one, the officer shall provide for the same as heretofore.

Mr. Alexander moved to lay the said bill and amendments on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Hardin, were as follows, *viz.*:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Rodes,
Bailey,	Huston,	Slaughter,
Boyd,	Jesup,	Sterett,
Chenault,	Loving,	Walker,
Dyer,	McElroy,	Williams, S.L.
Gilless,	Payne,	Woodson,
Griffith,	Pirtle,	Young—22.
Hanson,		

Those who voted in the negative, were—

Messrs. Bennett,	Hughes,	Morgan, J. S.
Conner,	James,	Newell,
Conway,	Johnson,	Palmer,
Drake,	McAfee,	Wallace,
Garth,	Morgan, D.	Williams, M—15.

The Speaker laid before the Senate the following communication from the President of the Board of Internal Improvement, *to-wit*:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
February 28th, 1843. {

The President of the Board of Internal Improvement has the honor to present the respects of the Board to M. V. Thomson, Lieutenant Governor and Speaker of the Senate, and to the Senators, and respectfully invite all or any of them to whom such invitation may be acceptable, to take seats in the cars, upon the new railroad, on Saturday evening next, for the purpose of making an excursion to Lexington. The cars will return on Monday before breakfast, or sooner if the members require it.

THOMAS METCALFE.

M. V. THOMSON, Esq.

Speaker of the Senate.

And then the Senate adjourned.

WEDNESDAY, MARCH 1, 1843.

A message was received from the House of Representatives, announcing that they had disagreed to the first, second and fourth, and concurred in the third amendment proposed by the Senate to a bill from that House, entitled, an act to establish Helm county.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to-wit:

An act to legalize the votes given in the counties of Cumberland and Clinton at the election in 1842, and for other purposes.

An act for the benefit of Coonrod Havens.

An act to amend the laws in relation to the Goose Creek turnpike road in the counties of Knox and Clay, and for other purposes.

An act for the benefit of the Estill Seminary.

An act to define the duties of Coroners, and for other purposes.

An act to incorporate the town of Smithland, and for other purposes.

An act for the benefit of Lewis Sourds.

An act to amend the charter of the city of Louisville, and for other purposes.

An act to authorize the erection of a new Seminary of learning in the town of Falmouth, in Pendleton county.

An act amending the law concerning the processioning of lands.

An act divorcing sundry persons.

An act to improve the State road from Williamsburg to London, in Whitley and Laurel counties.

An act for the benefit of the Sheriffs of Bullitt and Whitley counties.

An act for the benefit of the Sheriffs of Daviess and Wayne counties.

An act to improve the roads of Hickman, Ballard and McCracken counties.

An act to amend an act incorporating the town Bedford, in the county of Henry.

An act for the benefit of James Cox and Jane Cox.

An act to provide for a change of venue in the prosecution against Isaac Wesley Caldwell.

An act to provide for a change of venue in the prosecution against Jacob, a slave.

An act to provide for a change of venue in the prosecution against Mary McClary.

An act for the benefit of Fielding Smithey, and others.

An act to change the time of holding the Hopkins Circuit Court.

An act for the benefit of the heirs of Charles C. Isaacs, deceased.

An act to change the terms of certain courts in the 14th Judicial District.

An act for the benefit of William K. Allen and wife.

An act to incorporate the Trustees of the Washington Presbyterian Church, in Mason county.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of Lucinda S. Smart and Eliza McKnight.

An act for the divorce of Granderson G. Goodwin.

An act for the benefit of Elizabeth Mitchell.

An act to divorce Nancy W. Smith.

An act to divorce Ann Vanarsdall.

An act for the benefit of Mary M. Shawhan.

An act to divorce Bryce Patrick and Rebecca Patrick.

An act divorcing Mary Robinson.

An act for the divorce of Emily Davison.

An act for the benefit of Sarah K. Allen.

An act for the benefit of Mary Runner, of Nelson county.

An act for the benefit of Andrew Livingston.

An act for the benefit of Arena W. Evans.

An act divorcing Mary Roney, of Warren county.

An act for the benefit of Deborah Chamberlin.

An act for the benefit of Mark A. Coulter.

An act for the benefit of Robert C. Holland and Elizabeth F. Holland.

An act for the benefit of Frances Dawson, of Garrard county.

An act for the benefit of Mary Davis, of Fayette county.

An act for the benefit of Emily O'Conner, of Daviess county.

With an amendment to the last bill, which amendment was concurred in.

That they had passed a bill, entitled, an act regulating the time of holding Justice's courts.

Which bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. J. S. Morgan presented the petition of sundry citizens of Paris, relative to Clerks of County Courts practicing law in the counties in which they act as Clerk, which was received and referred to the committee on the Judiciary.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act for the benefit of David B. Sanders, and others.

Ordered, That said bill be placed in the orders of the day.

Mr. J. S. Morgan, from the committee on Internal Improvement, reported

a bill to amend the law respecting the Lexington and Ohio Railroad, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day.

Mr. J. S. Morgan, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of sundry citizens of Pike county, and for other purposes, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, "an act for the benefit of Thomas Dodson and Samuel Richeson."

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Board of Commissioners of Internal Improvement of McCracken county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the same committee, reported a bill to authorize the leasing of turnpike roads, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. J. S. Morgan, from the same committee, to whom was referred a bill for the benefit of Lewis V. Wernwag, reported the same without amendment, and said bill was placed in the orders of the day.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to change the name of Mary Ann Mason, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, reported a bill for the benefit of Greenberry Camplin, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to increase the resources of the Sinking Fund, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, unanimously, that the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Rosanna Rock, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Benjamin Webb and his securities, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to reduce the salaries of certain officers of this Commonwealth, reported the same with amendments, which were concurred in.

The said bill was further amended.

Mr. Rodes moved to amend said bill so that the salary of the Judges of the Court of Appeals be sixteen hundred dollars instead of fifteen hundred dollars, as provided in said bill.

Mr. McAfee moved the previous question, but withdrew the motion at the request of Mr. James, who promised to renew it after making an explanation; and Mr. James then moved the previous question, and the main question was ordered.

The question being taken on reading the said bill a third time, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Hardin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hanson,	Morgan, J. S.
Bailey,	Hardin,	Newell,
Bennett,	Hughes,	Palmer,
Boyd,	Huston,	Slaughter,
Chenault,	James,	Sterett,
Conner,	Jesup,	Wallace,
Conway,	Johnson,	Walker,
Drake,	Loving,	Williams, M.
Dyer,	McAfee,	Williams, S. L.
Gillless,	McElroy,	Woodson,
Griffith,	Morgan, D.	Young—33.

Those who voted in the negative, were—

Messrs. Garth,	Pirtle,	Rodes—4.
Payne,		

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Alexander,

Resolved, That no member of the Senate be allowed to speak more than ten minutes on any one subject, nor more than once unless by permission of the Senate, during the present session.

Leave was given to bring in the following bills, *to-wit*:

On the motion of Mr. Hughes—1. A bill to attach a part of Grant county to Gallatin county.

On the motion of Mr. Bennett—2. A bill to authorize the President and shareholders of the Georgetown and Covington turnpike road to appropriate the net proceeds of said road to its completion.

On the motion of Mr. D. Morgan—3. A bill for the benefit of Josiah McClurg.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st; the committee on Internal Improvement the 2d, and Messrs. D. Morgan, Payne and Young were appointed a committee to prepare and bring in the 3d.

Mr. Pirtle read and laid on the table the following memorial, *to-wit*:

The General Assembly of the Commonwealth of Kentucky have, in common with their fellow-citizens, witnessed that the number of those worthies, who fought in the Revolutionary War, and in the struggles with the savages, after the termination of the Revolution, are yearly growing less in numbers, until very few are left; and as it is very desirable and necessary to the honor of our happy republic, that those who hazarded their lives in bringing about the present prosperity which we enjoy, should be rewarded. In view of this subject, the Legislature of this State, in the year 1818, while

there were living witnesses, passed certain resolutions, with a preamble, in relation to the services of Christopher Miller, then a resident of Hardin county, in this State; which preamble and resolutions, as published with our acts of Assembly, read as follows:

A Memorial and Resolution respecting Christopher Miller.

The Legislature of Kentucky cannot view the present happy state and condition of their country, as it respects her being secure from foreign invasion, without looking back and enquiring how, and by what means, she has attained this high, dignified and honorable station; in doing which, she discovers herself indebted in gratitude to many worthy men who are no more. But the eye falls upon one, Christopher Miller, who is yet living, and who has never been noticed by the General Government, to whom, they conceive, she is greatly indebted, not only upon the principle of rewarding real merit, but upon the score of justice, founded on a promise made by a man, on the part of the United States, on whose promise Christopher Miller had a right to rely.

In the year 1783, Christopher Miller, of Hardin county, in the State of Kentucky, was taken prisoner by the Indians, who was then about fifteen years of age; he remained a prisoner with them till the year 1794, when he was taken from them by the spies of General Wayne. No sooner did he find himself in the midst of his brothers of America, than that spark of love of country, which had been almost extinguished by savage habits, burst into a flame, and he tendered his services to the General, as one of his spies. In this character he acted for some time, going into the environs of the towns of the enemy, taking prisoners from his old masters, and bringing them to his General. At length it became necessary to send another flag to the enemy—several having been sent, and none having returned. The eyes of the board of officers were turned to Miller; he was applied to by the General, with an assurance, if he would undertake the task, and should succeed in the undertaking, he should receive from his Government an independent fortune. The agreement is made—the ambassador sets out—the anxious eyes of his countrymen follow him, but scarcely a gleam of hope is left that he will ever return; but, to their great joy, he performs the undertaking—finishes the task—effects the objects of his mission, and on the fourth day returns to his General: peace is concluded—the shedding of human blood is thereby stopped. Wayne is now no more—Miller still lives; he has a family of promising children, is poor, and has never received any compensation for his services. We are told that application was once made to Congress for him; but for the want of proof, in support of the facts alleged, no allowance was made. The Legislature of Kentucky having, at their present session, members of their own body, who know the facts herein stated to be true, have thought it their duty to interfere in behalf of one of their countrymen, and pray your honorable body to make such provision by law, for the said Christopher Miller, as you, in your wisdom, may think just.

Resolved by the General Assembly of the Commonwealth of Kentucky,
That the Acting Governor of Kentucky be requested to transmit copies of the foregoing memorial to each of our Senators and Representatives from the State of Kentucky in the Congress of the United States, and that they

be directed to lay the same before Congress, and use their best exertions to have it acted upon during the present session.

Which resolutions were forwarded to our Representatives and Senators in Congress, but in the great mass of business before that body, it only received a partial attention, and a grant of one section of land was made, which Miller at first refused, deeming it inadequate; but at the solicitations of friends, he accepted of the land, under the hope that Congress would, at some more auspicious moment, reward him.

But years have rolled on, and Miller, too, has gone down to the tomb, and his meritorious and perilous service has been left unrewarded. Still, however, an opportunity is left the Government of the United States to pay her debt of honor. Miller has left a numerous family; and as most of the soldiers of the Revolution have been rewarded by their country, it is hoped by this Legislature that Congress will reward the services of the departed soldier, by awarding to his children that which, in justice, should have been given to their father. Therefore—

Resolved by the General Assembly of the Commonwealth of Kentucky,
That the Governor of this State be requested to transmit copies of the foregoing memorial to each of our Senators and Representatives in the Congress of the United States, and that they be directed to lay the same before Congress, and use their exertions to have it acted upon during the next session.

The rule of the Senate being dispensed with, the said preamble and resolutions were twice read and unanimously adopted.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, *to-wit*:

Gentlemen of the Senate:

I nominate for your advice and consent, Richard A. Buckner, Jr. to be Circuit Judge of the third Judicial District, in place of Aaron K. Woolley, resigned.

R. P. LETCHER.

March 1, 1843.

Resolved, That the Senate advise and consent to the said appointment.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, *viz*:

Gentlemen of the Senate:

I nominate for your advice and consent, James W. Doores to be Brigadier General of the 11th Regiment, in place of Henry C. Williams, resigned.

Milton Viley to be Major of the 12th Regiment, 6th Brigade, in place of Jesse S. Sinclair, promoted.

William P. Grayson to be Colonel of the 41st Regiment, 17th Brigade, in place of W. H. Cunningham, resigned.

Robert G. Rouse to be Lieutenant Colonel of the 41st Regiment, 17th Brigade, in place of William P. Grayson, if promoted.

A. C. Pool to be Major of the 41st Regiment, 17th Brigade, in place of Robert G. Rouse, if promoted.

Joseph S. Lillard to be Lieutenant Colonel of the 51st Regiment, 21st Brigade, in place of John M. Bacon, resigned.

John Furnish to be Major of the 51st Regiment, 21st Brigade, in place of Hiram R. Stafford, resigned.

William Workman to be Major of the 65th Regiment, 15th Brigade, in place of Benjamin Perry, resigned.

George Cole to be Major of the 75th Regiment, 24th Brigade, in place of William Storm, resigned.

I. B. Gibson to be Colonel of the 125th Regiment, 28th Brigade, in place of William B. Jenkins, promoted.

William E. Bishop to be Lieutenant Colonel of the 125th Regiment, 28th Brigade, in place of I. B. Gibson, promoted.

Nathan Scarce to be Major of the 125th Regiment, 28th Brigade, in place of William E. Bishop, if promoted.

R. P. LETCHER.

March 1, 1843.

Resolved, That the Senate advise and consent to the said appointments.

The Senate took up the first, second and fourth amendments proposed by them to a bill from the House of Representatives, entitled, an act to establish Helm county.

The first amendment proposes to strike out the word "Helm," wherever it occurs in the said bill, and to insert, in lieu thereof, the word "Slaughter."

The second amendment proposes to strike out the words "John L. Helm, present Speaker of the House of Representatives," in honor of whom the county is called, and to insert, in lieu thereof, "the late Gabriel Slaughter, Lieutenant and acting Governor of Kentucky."

The fourth amendment proposes to amend the title of the said bill by striking out "Helm" and inserting "Slaughter."

The question being taken on insisting on the said amendments, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Woodson and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,
Bennett,
Boyd,
Chenault,
Dyer,
Griffith,
Hanson,

Hughes,
Huston,
Jesup,
Loving,
Morgan, J. S.
Payne,

Pirtle,
Sterett,
Walker,
Williams, S. L.
Woodson
Young—19.

Those who voted in the negative, were—

Messrs. Alexander,	Gilles,	McElroy,
Conner,	Hardin,	Morgan, D.
Conway,	James,	Newell,
Drake,	Johnson,	Wallace,
Garth,	McAfee,	Williams, M—15.

Ordered, That Messrs. Hanson, Hughes and James be appointed a committee of conference, on the part of the Senate, on the said amendments, and that the House of Representatives be requested to appoint a committee on their part.

An engrossed bill, entitled, an act to amend the laws establishing and regulating the Lunatic Asylum, and for other purposes, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill for the relief of Constantine Stigall, was taken up. The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That Constantine Stigall of Pulaski county be, and he is hereby, authorized, to introduce and import into the State of Kentucky from the State of Tennessee, four negroes, to-wit: one negro woman named Eliza, Mary Ann and Bob, and a female child, the name unknown, of said mother, slaves, for his own use; and also take an oath, before some Justice of the Peace of said county, within thirty days after said slaves shall have been introduced, that he did not bring said slaves with the intention of selling them, and shall have said oath recorded within thirty days after taking the same, in the office of the Clerk of the County Court of the county in which the oath is taken; and in case of his failing to comply with the conditions thereof, he shall be liable to all the penalties of the act, entitled, an act to amend the law prohibiting the importation of slaves, approved, February 2, 1833.

Mr. Payne moved to postpone the further consideration of the said bill indefinitely.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Payne, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hughes,	Rodes,
Conner,	Morgan, J. S.	Slaughter,
Griffith,	Newell,	Sterett,
Hanson,	Payne,	Woodson—14.
Hardin,	Pirtle,	

Those who voted in the negative, were—

Messrs. Alexander,	James,	McElroy,
Boyd,	Jesup,	Palmer,
Garth,	Johnson,	Williams, M.
Gilless,	McAfee,	Williams, S. L-12

Bills from the House of Representatives, entitled, an act authorizing the appointment of a county Treasurer for the county of Barren, and an act concerning steam boats, were ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill to amend the law concerning executions was amended, and ordered to be engrossed and read a third time.

A bill from the House of Representatives, entitled, an act to remove the seat of justice of Hickman county, and for other purposes, was referred to the committee on Propositions and Grievances.

A bill regulating roads collateral with turnpike roads, was read a second time, and on the motion of Mr. McAfee, was laid on the table.

And then the Senate adjourned.

THURSDAY, MARCH 2, 1843.

A message was received from the House of Representatives, announcing that they had concurred in the report of the committee of conference on the disagreement of the two Houses to the first, second and fourth amendments proposed by the Senate to a bill from that House, entitled, an act to establish Helm county.

The said report was concurred in.

That they had disagreed to a bill from the Senate, entitled, an act for the benefit of Joseph Gilpin, of Marion county.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of Samuel and P. N. Grinter.

An act for the benefit of R. B. Craig and Deborah Carpenter, now of Boyle county.

An act for the benefit of James P. Hamilton and Peter L. Harper, of Hardin county.

An act for the benefit of W. W. Rice, of Carter county.

That they had passed bills of the following titles, to-wit:

1. An act for the benefit of Merida Collins.
2. An act for the benefit of Andrew J. McKinney, of Adair county.
3. An act for the benefit of Jacob Schenlaub.
4. An act for the benefit of Lois Smallwood.
5. An act for the benefit of Elijah Evans, of Laurel county.
6. An act for the benefit of Mary Clark.
7. An act for the benefit of Edmund Oakley.
8. An act for the benefit of Charles Rice and Thomas Jones.
9. An act for the benefit of Samuel Todd.
10. An act for the benefit of the Sheriff of Anderson county.
11. An act for the benefit of Thomas Parker and others.
12. An act to amend the revenue laws.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st bill was referred to the committee on Internal Improvement; the 2d to the committee on the Judiciary, and the 3d, 4th, 5th, 6th, 7th 8th, 9th, 10th 11th and 12th to the committee on Finance.

On the motion of Mr. Payne, the vote by which the further consideration of a bill from the House of Representatives, entitled, an act to authorize the several County Courts of this State to appoint Inspectors of beef, pork and lard, was postponed until the first day of June next, was re-considered, and the said bill was placed in the orders of the day.

Mr. Drake having obtained leave, reported a bill to organize a Volunteer Company in the town of Shelbyville, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Military Affairs.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend and reduce into one the laws exempting certain property from execution and distress, reported the same with amendments, some of which were concurred in.

The said bill, as amended, is as follows, viz :

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the following property shall be exempt from all execution, fee bills, attachment and distress (except for taxes and county levies,) and shall not be considered assets in the hands of the executor or administrator of the decedent for the payment of his debts, if there be a widow or children under twenty one years old, but shall belong to the widow and children of the decedent, to-wit: To every bona fide

MARCH 2.]

JOURNAL OF THE SENATE.

337

housekeeper (not a farmer,) one horse, saddle, bridle and appendages: To a drayman, or cartman, one horse and harness, and a dray and cart: To a farmer his tools and implements of husbandry; two work beasts and harness, or one work beast and harness and one yoke of oxen; two saddles, two bridles and appendages: To a mechanic, his tools and implements of trade (not including machinery,) and stock in trade to an amount in value, not exceeding \$100, to be ascertained, valued, and allotted, by any two Justices of the Peace of the county in which the debtor resides, at his request, or by any two disinterested housekeepers of the county, who shall be first sworn by a Justice of the Peace, faithfully and impartially to perform the duty prescribed by this act: To a scholar, or professional man, his books, medicines, furniture and apparatus suitable for his profession or calling: To a militiaman, his arms, accoutrements, uniform and equipments: To all persons, their clothing and wearing apparel, and that of their families: To all housekeepers and families, the bibles, hymn books, psalm books, testaments, school books and other books in use in the family, and family pictures; the spinning wheels, cards, looms, and other apparatus necessary for making cloth; all the spun yarn, thread, and cloth, manufactured in the family; provisions for the family, and food for the animals, exempted from execution, and fuel, sufficient for the family for six months, to be ascertained, valued, and allotted, by any two Justices of the Peace of the county in which the debtor resides, at his request, or by any two disinterested housekeepers of the county, who shall be first sworn by a Justice of the Peace, faithfully and impartially to perform the duty prescribed by this act: The turkeys, geese, ducks and chickens, of their own rearing, or for family use; and a stock of hogs, not exceeding in value twenty five dollars, to be ascertained, valued, and allotted, in the manner directed by this act in regard to the stock in trade of the mechanic: Twelve sheep, and the wool shorn from them; two cows and calves; beds, bedsteads and bedding, cupboard ware, and table appendages, and household and kitchen furniture, sufficient and suitable for the family, not to exceed in value \$150, to be ascertained, valued, and allotted as above herein directed, at the request of the debtor: One stove and pipe, used either for cooking or for warming the dwelling house; also, lands set apart and appropriated as burial grounds, either for public or private use, and so recorded in the office of the Clerk of the County Court where such lands are situated, and any burial ground that may have been used as such for fifteen years; and such burial ground shall also be exempt from taxation, from dower, and from compulsive partition: *Provided*, That the lands, so appropriated and set apart as private burial ground, shall not exceed two acres.

Sec. 2. The owner of the property exempted herein, shall have the right to sue out a writ of replevin therefor against the officer refusing to deliver the same on demand made thereof.

Sec. 3. That the provisions of this act, so far as they may exempt property from execution, distress, attachment or fee bills, which is not now exempt by law, shall apply only to contracts hereafter made.

The other amendments proposes to add to the said bill the following sections, viz :

Sec. 4. Where the debt for which an execution issues has been created

in the purchase of any of the property aforesaid, such property shall not be exempted by this act.

SEC. 5. This act shall not be so construed as to exempt property from distress and attachment for rent, which is not now exempted by law.

SEC. 6. Any sale made by consent of the defendant of any property herein exempted, shall be void as to persons having notice thereof, where the debt shall have been created for intoxicating drinks for the party's own drinking; and any mortgage made of such property, or other lien or pledge to secure a debt for intoxicating drinks as aforesaid, shall be void as to any person having notice thereof.

Mr. Young moved to lay the said bill and amendments on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Drake and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	James,	Pirtle,
Bailey,	Jesup,	Sterett,
Boyd,	Loving,	Sympson,
Garth,	Palmer,	Williams, S. L.
Hardin,	Payne,	Young—15.

Those who voted in the negative, were—

Messrs. Bennett,	Hughes,	Newell,
Chenault,	Huston,	Rodes,
Conner,	Johnson,	Slaughter,
Conway,	McAfee,	Wallace,
Drake,	McElroy,	Walker,
Gilless,	Morgan, D.	Williams, M.
Hanson,	Morgan, J. S.	Woodson—21.

Mr. Newell moved to amend the said amendment by striking out the 5th section in said amendment.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Newell and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	James,	Sterett,
Boyd,	Johnson,	Sympson,
Conner,	Newell,	Williams, M—9.

Those who voted in the negative, were—

Messrs. Alexander,	Dyer,	Hughes,
Bailey,	Garth,	Huston,
Chenault,	Gilless,	Jesup,
Conway,	Hanson,	Loving,
Drake,	Hardin,	McAfee,

McElroy,	Pirtle,	Walker,
Morgan, D.	Rodes,	Williams, S. L.
Morgan, J. S.	Slaughter,	Woodson,
Palmer,	Wallace,	Young—28.
Payne,		

Mr. Payne moved to strike out the enacting clause of the said bill.

The question being taken thereon, it was decided in the affirmative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. M. Williams and Drake, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Garth,	Palmer,
Bailey,	Gilles,	Payne,
Bennett,	Hanson,	Sterett,
Boyd,	Hardin,	Sympson,
Chenault,	James,	Walker,
Conner,	Jesup,	Williams, S. L.
Dyer,	Loving,	Young—21.

Those who voted in the negative, were—

Messrs. Conway,	McElroy,	Rodes,
Drake,	Morgan, D.	Slaughter,
Hughes,	Morgan, J. S.	Wallace,
Johnson,	Newell,	Williams, M.
McAfee,	Pirtle,	Woodson—15.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition and remonstrance, to whom referred, of sundry citizens of the town of Paris relative to Clerks of Courts practicing law in the counties in which they reside.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to increase the jurisdiction of the Trustees of the town of Owenboro'.

An act for the benefit of William T. Meaders.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Blair Hereford and Beverly Hereford, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The following bills were reported, viz :

By Mr. J. S. Morgan, from the committee on Internal Improvement—

1. A bill providing the means to pay the Contractors upon the public works within this Commonwealth, for work and labor already done.

2. A bill for the benefit of the Georgetown and Covington Turnpike Road Company.

By Mr. Rodes, from a select committee—3. A bill for the benefit of mechanics.

By Mr. Walker, from the committee on Propositions and Grievances—

4. A bill to amend the law establishing the Paris Fire Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st was re-committed to the committee on Internal Improvement, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly ; the 3d was referred to the committee on Finance, and the 2d and 4th were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 2d and 4th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the committee to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the mechanics of Oldham and other counties, reported the same.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The vote disagreeing to the said bill was re-considered.

Mr. Conner moved to lay the said bill on the table for the present.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Hughes, were as follows, to-wit :

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Morgan, J. S.
Bailey,	Huston,	Newell,
Boyd,	James,	Sterett,
Chenault,	Jesup,	Williams, M.
Conner,	McAfee,	Woodson,
Dyer,	McElroy,	Young—19.
Gilliss,		

Those who voted in the negative, were—

Messrs. Bennett,	Johnson,	Slaughter,
Conway,	Morgan, D.	Sympson,
Drake,	Payne,	Wallace,
Garth,	Pirtle,	Walker,
Hanson,	Rodes,	Williams, S. L-16.
Hughes,		

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to amend the charter of the Fireman's Insurance Company of Louisville.

An act for the benefit of the Sheriffs of Hickman and Christian counties.

An act to amend an act, entitled, an act regulating divorces in this Commonwealth, approved 31st January, 1809.

An act to revive an act, entitled, an act for the benefit of all those who may have executed bonds to the Commonwealth for public arms, approved February 5, 1842.

An act for the benefit of Arena W. Evans.

An act for the benefit of Frances Dawson, of Garrard county.

An act for the benefit of Andrew Livingston.

An act for the benefit of Deborah Chamberlin.

An act for the benefit of Mark A. Coulter.

An act for the divorce of Granderson G. Goodwin.

An act for the benefit of Mary Davis, of Fayette county.

An act for the benefit of Mary M. Shawhan.

An act for the benefit of Lucinda S. Smart and Eliza McKnight.

An act for the benefit of Robert C. Holland and Elizabeth F. Holland.

An act for the benefit of Mary Runner, of Nelson county.

An act to divorce Ann Vanarsdall.

An act for the benefit of Elizabeth Mitchell.

An act divorcing Mary Robinson.

An act to divorce Nancy W. Smith.

An act to divorce Bryce Patrick and Rebecca Patrick.

An act divorcing Mary Roney, of Warren county.

An act for the divorce of Emily Davison.

An act for the benefit of Sarah K. Allen.

And bills which originated in the House of Representatives of the following titles, viz:

An act to authorize a change of venue in the case of the Commonwealth against Sam, a slave.

An act for the benefit of Elizabeth Williams.

An act for the benefit of the heirs of Robert Bell, deceased.

An act to reduce the number of Justices and Constables in the county of Casey.

An act concerning the appointment of Constables.

An act to amend the road law in the county of Campbell.

An act for the benefit of the Sheriffs of Montgomery and Scott counties, and for other purposes.

An act for the benefit of Jonathan Williams, late Sheriff of Russell county.

An act to provide for a change of venue in the prosecution against Isaac Wesley Caldwell.

An act to amend the law authorizing changes of venue in civil cases.

An act for the benefit of Andrew Lewis.

An act to provide for a final settlement with the present Keeper of the Penitentiary, the election of another Keeper, and for other purposes.

The Speaker of the House of Representatives having signed the said bills the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

On the motion of Mr. Bennett, leave was given to bring in a bill to establish the Licking Valley Bank at Covington; and Messrs. Bennett, Wallace and Newell were appointed to prepare and bring in the same.

A bill to amend the law respecting the Lexington and Ohio Railroad, was taken up.

Mr. McAfee moved an amendment to the said bill, and the said bill and amendment was re-committed to the committee on Internal Improvement.

An engrossed bill, entitled, an act to amend the law concerning executions, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of David B. Sanders and others, was taken up.

The said bill was amended to read as follows, to-wit:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That David B. Sanders, of Livingston county, shall have the right to bring into this State a negro woman, Mary, and her children, she being the wife of a slave of said Sanders, and lately taken from Kentucky to Tennessee: *Provided*, That said Sanders shall, within thirty days after bringing said slaves into the State, make and file his affidavit in the Livingston County Court, giving the age and sex of said slaves, and that it is his intention, in good faith, to keep said slaves for his own use.

SEC. 2. *Be it further enacted*, That William A. Garth, of Todd county, shall have the right to bring into this State two negro boys, purchased by

him of a Mr. White, who lived in Clarksville, Tennessee: *Provided*, That said Garth shall, within thirty days after bringing said slaves into this State, make and file his affidavit in the Todd County Court, giving the age and names of said slaves, and that it is his intention, in good faith, to keep said slaves for his own use.

SEC. 3. *Be it further enacted*, That Jacob Robinson, of Garrard county, be, and he is hereby, allowed to import into this State seven slaves, to-wit: Daniel and Dolly, and their five children, upon filing an affidavit in the Clerk's office of the Garrard County Court, that said slaves are imported for his own use, and not for the purpose of selling as merchandize.

SEC. 4. *Be it further enacted*, That Daniel Stovall and Isham Thomas, be allowed to retain, in this State, a negro man, purchased out of jail in this State, he having run away from the State of Louisiana, and that they be released from all liability for keeping said slave in this State.

SEC. 5. *Be it further enacted*, That Edward H. Wilson, of Cumberland county, is hereby released and exonerated from all the penalties of the act of 1833, prohibiting the importation of slaves, incurred by reason of having purchased the following slaves, viz: Orre, Edward and Solomon, which had been imported into this State in violation of said act of 1833.

SEC. 6. That William Dodd be, and he is hereby, released from all the penalties of the law of 1833, for having imported into this State a negro boy named Jack.

Mr. Payne moved to amend the said bill by striking out the sixth section thereof.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Pirtle, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	McElroy,	Slaughter,
Chenault,	Morgan, D.	Sterett,
Conner,	Morgan, J. S.	Wallace,
Drake,	Newell,	Williams, S. L.
Gilless,	Payne,	Woodson
Hanson,	Pirtle,	Young—20.
Hardin,	Rodes,	

Those who voted in the negative, were—

Messrs. Alexander,	Huston,	McAfee,
Boyd,	Jesup,	Palmer,
Conway,	Johnson,	Walker,
Garth,	Loving,	Williams, M—13.
Hughes,		

On the motion of Mr. S. L. Williams, the said bill was amended by adding thereto the following section, viz:

SEC. 7. *Be it further enacted*, That Greenberry Camplin of Clarke county be, and he is hereby, exempted from all penalties incurred by him for im-

porting six slaves into this State, and for which offence six several indictments are now pending against him in the Clarke Circuit Court, the law of 1833 to prevent the importation of slaves into this State, to the contrary notwithstanding.

The question was then taken on reading the said bill a third time, as amended, and it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Payne and Alexander, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Gilless,	Wallace,
Boyd,	Jesup,	Walker,
Conner,	Johnson,	Williams, M.
Conway,	Loving,	Williams, S. L-14.
Garth,	McElroy,	

Those who voted in the negative, were—

Messrs. Bailey,	McAfee,	Rodes,
Bennett,	Morgan, D.	Slaughter,
Chenault,	Morgan, J. S.	Sterett,
Hanson,	Newell,	Woodson,
Hardin,	Payne,	Young—17.
Hughes,	Pirtle,	

A bill for the benefit of Greenberry Camplin was taken up.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

Mr. McElroy having obtained leave, reported a bill to amend the execution laws, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

A bill from the House of Representatives, entitled, an act for the benefit of *bona fide* occupants of land, having been returned to the Senate, on the motion of Mr. Hanson the vote by which the said bill was disagreed to was re-considered, and it was re-committed to the committee on the Judiciary.

And then the Senate adjourned.

FRIDAY, MARCH 3, 1843.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act authorizing the appointment of Collectors of the revenue in certain counties.

That they had passed bills of the following titles, to-wit:

1. An act for the benefit of William Crawford.
2. An act making further provision for the pay of grand and petit jurors.
3. An act for the benefit of Williard DeCoursey.
4. An act to legalize the acts of the Trustees of the town of Sharpsburg, and for other purposes.
5. An act for the benefit of Garland Bullock and his securities.
6. An act granting further time to the County Courts of Bullitt and Lincoln to procure sets of weights and measures.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st bill was referred to the committee on Propositions and Grievances; the 2d, 3d, 5th and 6th to the committee on Finance, and the 4th to the committee on the Judiciary.

On the motion of Mr. S. L. Williams, leave was given to withdraw the petition and accompanying documents of Greenberry Camplin.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act regulating the time of holding Justice's courts, reported the same with amendments, which were concurred in.

The said bill was further amended.

The question was taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Alexander and Bailey, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Chenault,	Johnson,	Pirtle,
Conner,	McAfee,	Slaughter,
Drake,	McElroy,	Sterett,
Gilliss,	Morgan, D.	Sympson,
Griffith,	Morgan, J. S.	Wallace,
Hardin,	Newell,	Williams M.—18.

Those who voted in the negative, were—

Messrs. Alexander,	Hanson,	Rodes,
Bailey,	Huston,	Walker,
Bennett,	James,	Williams, S. L.
Boyd,	Jesup,	Woodson,
Dyer,	Loving,	Young—17.
Garth,	Payne,	

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill to amend the law respecting the Lexington and Ohio Railroad, reported the same with amendments, which were concurred in.

Mr. McAfee moved to amend the said bill by adding thereto the following proviso, to-wit:

Provided, That the lease hereby authorized to be made shall not be completed by the Board of Internal Improvement, unless the annual rent shall, within seven years, cover the whole sum which shall be expended by the State.

Mr. Hanson moved the previous question, and the main question was ordered.

The question being taken on engrossing and reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Jesup,	Rodes,
Bailey,	Johnson,	Slaughter,
Bennett,	Loving,	Sterett,
Chenault,	McElroy,	Sympson,
Drake,	Morgan, D.	Wallace,
Dyer,	Morgan, J. S.	Walker,
Griffith,	Newell,	Williams, M.
Hanson,	Palmer,	Williams, S. L.
Hardin,	Payne,	Woodson,
Huston,	Pirtle,	Young—31.
James,		

Those who voted in the negative, were—

Messrs. Conner,	Garth,	McAfee—3.
-----------------	--------	-----------

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the committee on Internal Improvement, reported a bill to fix the tolls on the Green and Barren river navigation, and provide for

its future management, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Internal Improvement.

Ordered, That the Public Printer print 150 copies of said bill for the use of the General assembly.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to add the county of Owsley to the 10th Judicial District, and for other purposes, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act to regulate the terms of the Bourbon, Nicholas and Estill Circuit Courts, and attach the county of Owsley to the 10th Judicial District, and for other purposes.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to regulate certain courts in the 15th Judicial District.

An act for the benefit of Andrew J. McKinney, of Adair county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of C. T. Taylor and John Aulsebrook, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill to regulate the terms of the Circuit Courts of this Commonwealth, reported the same.

The said bill is as follows, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the middle term of the several Circuit Courts in this commonwealth shall not be held; and hereafter there shall be but two terms for common law business in each year.

Sec. 2. This act shall not apply to the Circuit Court of the county of Jefferson, nor to the Circuit Courts of Fayette and Mason counties.

Mr. Payne moved to postpone the further consideration of said bill indefinitely.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wallace and McAfee, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Alexander,	James,	Slaughter,
Bailey,	Jesup,	Sterett,
Bennett,	Loving,	Sympson,
Dyer,	Palmer,	Walker,
Hanson,	Payne,	Williams, S. L.
Hardin,	Pirtle,	Young—18.

Those who voted in the negative, were—

Messrs. Drake,	Johnson,	Newell,
Garth,	McAfee,	Wallace,
Gilless,	McElroy,	Williams, M.
Griffith,	Morgan, D.	Woodson—14.
Huston,	Morgan, J. S.	

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition, to them referred, of sundry citizens of Boone county, relative to Preachers of the Gospel passing turnpike gates toll free.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

- An act for the benefit of Frances Dawson, of Garrard county.
- An act for the benefit of Andrew Livingston.
- An act to amend the charter of the Fireman's Insurance Company of Louisville.
- An act for the benefit of the Sheriffs of Hickman and Christian counties.
- An act for the benefit of Deborah Chamberlin.
- An act for the benefit of Mark A. Coulter.
- An act to divorce Emily Davison.
- An act for the benefit of Sarah K. Allen.
- An act for the benefit of Arena W. Evans.
- An act to divorce Bryce Patrick and Rebecca Patrick.
- An act divorcing Mary Roney, of Warren county.
- An act to divorce Ann Vanarsdall.
- An act for the benefit of Elizabeth Mitchell.
- An act for the benefit of Robert C. Holland and Elizabeth F. Holland.
- An act for the benefit of Mary Runner, of Nelson county.
- An act divorcing Mary Robinson.

An act to divorce Nancy W. Smith.

An act for the divorce of Granderson G. Goodwin.

An act for the benefit of Mary Davis, of Fayette county.

An act for the benefit of Mary M. Shawhan.

An act for the benefit of Lucinda S. Smart and Eliza McKnight.

An act to amend an act, entitled, an act regulating divorces in this Commonwealth, approved 31st January, 1809.

An act to revive an act, entitled, an act for the benefit of all those who may have executed bonds to the Commonwealth for public arms, approved February 5, 1842.

Approved March 2, 1843.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of *bona fide* occupants of land, reported the same with the opinion of the committee that it ought not to pass.

The said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any occupant of land within this Commonwealth has, or shall have been, in the peaceable possession thereof, claiming the same *bona fide* as his own land, by written contract or deed, from and under any person claiming title by deed recorded in the Clerk's office of the county in which the land lies, or in the Clerk's office of the Court of Appeals, or General Court, (without any other title,) for, and during the period of seven years, and another claimant shall obtain the decision of any Court for the recovery of the possession thereof, the defendant shall not be evicted until payment is made to him for all valuable and lasting improvements made by him upon the premises recovered, or by any other person or persons under whom he claims, to be ascertained, [after the manner prescribed by the act, entitled, "an act to amend an act, entitled, an act to revive and amend the champerty and maintenance law, and more effectually to secure the *bona fide* occupants of land within this Commonwealth," approved January 12th, 1825.] And judgment or decree shall be entered therefor, and execution may issue accordingly; and the defendant shall have a lien upon the land recovered, until he is paid the value of his improvements aforesaid: *Provided*, That a *venire facias* shall not issue in any case, unless the defendant shall file in the Clerk's office of the Court in which the decision may have been had—an affidavit to be made before a Justice of the Peace, that he or she, and those under whom he claims, have held, in good faith, a continued possession of the land recovered, for seven years prior to the institution of the suit: *And, provided further*, That the provisions of this section shall not apply to any occupant who shall not have been in the adverse possession of the land seven years next preceding any suit instituted against any such occupant for the recovery of the land, or the possession thereof from such occupant, nor to any occupant who may have, at any time, entered under, or taken a lease; or who may have rented, or who may have, at any time, resided on the land, by the permission of the person or persons claim-

ing the land, or of any person or persons under whom such claimant or claimants who may seek to dispossess such occupant, derives title.

Sec. 2. Be it further enacted, That no ejectment or other action shall be maintained to recover the possession of land, unless the claimant, if required by the defendant, shall make affidavit in writing, and file the same in court, that he or they have not employed any person or persons to institute, prosecute, maintain or carry on the said suit, for any part or parts of the lands, or of the proceeds thereof, subject to be recovered, nor for any part of the proceeds on any compromise made, or to be made, with any occupant or occupants, as a compensation for his or their services or agency, and if required by the defendant, the claimant or claimants shall produce satisfactory evidence under a rule of the court in which the suit may be depending, that the taxes upon the land subject to be recovered, have been by him or them paid up to the period of the institution of the suit, and on his or their failure to produce such evidence, the suit shall be dismissed.

Sec. 3. Be it further enacted, That after judgment in ejectment, it shall be lawful for any defendant or defendants, or any tenant or tenants in possession, to file a bill in chancery, setting forth that the claimant or claimants have no title to the land in equity, but that the title in equity is in some other person or persons; setting forth in the bill the name or names of such person or persons holding the equity, and also charging that the ejectment has been prosecuted without the knowledge or consent of the holders of the equitable title, who shall also be made defendants to the bill; upon which bill, verified by affidavit, the court shall grant an injunction, staying further proceedings upon the judgment in ejectment until the final hearing of the cause. And if, upon a final hearing, the facts set forth in the bill shall be sustained by proof or admission, or the defendants suffer the bill to be taken for confessed, then the court shall perpetuate the injunction, and render such further decree as shall be necessary to quiet the possession of the occupant: *Provided*, That this act shall not apply to any case where suit is now depending, or in which judgment has been recovered.

Mr. Bennett moved to strike out the first section of said bill, after the enacting clause.

Mr. Jesup moved to lay the said bill and amendment on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McElroy and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,
Dyer,
Hanson,
Hardin,
Huston,
Jesup,

Loving,
Palmer,
Payne,
Pirtle,
Rodes,

Slaughter,
Sterett,
Williams, S. L.
Woodson
Young—16.

Those who voted in the negative, were—

Messrs. Bennett,	Griffith,	Morgan, J. S.
Chenault,	James,	Newell,
Conner,	Johnson,	Sympson,
Conway,	McAfee,	Wallace,
Drake,	McElroy,	Walker,
Garth,	Morgan, D.	Williams, M—19.
Gilless,		

The question being taken on striking out the first section of said bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Payne and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hardin,	Rodes,
Bennett,	Jesup,	Slaughter,
Dyer,	Loving,	Williams, S. L.
Griffith,	Payne,	Woodson—14.
Hanson,	Pirtle,	

Those who voted in the negative, were—

Messrs. Chenault,	James,	Sterett,
Conner,	Johnson,	Sympson,
Conway,	McAfee,	Wallace,
Drake,	McElroy,	Walker,
Garth,	Morgan, D.	Williams, M.
Gilless,	Morgan, J. S.	Young—20.
Huston,	Newell,	

Mr. Pirtle moved to amend the first section of said bill by striking out the words “after the manner prescribed by the act, entitled, an act to amend an act, entitled, an act to revive and amend the champerty and maintenance law, and more effectually to secure the *bona fide* occupants of land within this Commonwealth, approved January 12th, 1825,” included in brackets, and to insert, in lieu thereof, the following, viz: “According to the principles of equity and justice, in a summary way by said court.”

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Loving,	Pirtle,
Griffith,	McAfee,	Rodes,
Jesup,	Payne,	Woodson—9.

Those who voted in the negative, were—

Messrs. Alexander,	Huston,	Sterett,
Boyd,	James,	Sympson,
Conner,	Johnson,	Wallace,
Drake,	McElroy,	Walker,
Garth,	Morgan, D.	Williams, M.
Gilless,	Morgan, J. S.	Williams, S. L—20.
Hardin,	Newell,	

On the motion of Mr. Payne, the said bill was amended by adding thereto the following proviso, viz:

Provided, The provisions of the third section in this act shall not have application to any case where the occupant or tenant in possession, or those under whom they claim, have denied their claim to the land, by bond or agreement with the plaintiff in the action of ejectment or his assignors.

Mr. Payne moved to amend said bill by striking out of the third section the following proviso, viz:

Provided, That this act shall not apply to any case where suit is now depending, or in which judgment has been recovered."

Mr. McElroy moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McElroy and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Garth,	McElroy,
Bennett,	Gilless,	Newell,
Boyd,	Huston,	Sympson,
Conner,	James,	Wallace,
Conway,	Jesup,	Walker,
Drake,	Johnson,	Williams, M—18.

Those who voted in the negative, were—

Messrs. Bailey,	Morgan, D.	Rodes,
Griffith,	Morgan, J. S.	Slaughter,
Hanson,	Palmer,	Sterett,
Hardin,	Payne,	Woodson,
Loving,	Pirtle,	Young—16.
McAfee,		

The question was then taken on reading the said bill a third time, as amended, and it was decided in the negative. The Senate being equally divided, the Speaker voted in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Payne and Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Gillless,	Newell,
Boyd,	Huston,	Sympson,
Conner,	James,	Wallace,
Conway,	Johnson,	Walker,
Drake,	McElroy,	Williams, M—17.
Garth,	Morgan, D.	

Those who voted in the negative, were—

Messrs. Alexander,	Loving,	Rodes,
Bailey,	McFee,	Slaughter,
Griffith,	Morgan, J. S.	Sterett,
Hanson,	Palmer,	Woodson,
Hardin,	Payne,	Young—17.
Jesup,	Pirtle,	

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to remove the seat of justice of Hickman county, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Woodson, from the committee on Federal Relations, reported a bill in relation to a grant of water power to the government of the U. States, by the State of Kentucky, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. J. S. Morgan, the committee on Internal Improvement was discharged from the further consideration of a resolution relative to the interest on State bonds, moved by Mr. James on the 25th of February.

On the motion of Mr. J. S. Morgan, the committee on Internal Improvement was discharged from the duty of preparing and bringing in the following bills, viz:

A bill to regulate and reduce the tolls on the public works in this Commonwealth, and for other purposes.

A bill to reduce the toll on the Lexington and Covington turnpike road.

On the motion of Mr. J. S. Morgan, the committee on Internal Improvement was discharged from the further consideration of a resolution, to them

referred, from the House of Representatives, in relation to a gate on the Versailles and Frankfort turnpike, and the said resolution was laid on the table.

Mr. James, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act for the benefit of Charles Rice and Thomas Jones.

An act for the benefit of Edmund Oakley.

An act for the benefit of Mary Clark.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thomas Parker and others, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Bennett, from a select committee, reported a bill to establish the Licking Valley Bank of Kentucky, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Banks.

On the motion of Mr. McAfee, the committee on Education was discharged from the further consideration of a bill repealing the Common School Law.

Mr. D. Morgan, from a select committee, reported a bill for the benefit of T. and L. P. Holliday, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Finance.

On the motion of Mr. Conway, leave was given to bring in a bill supplemental to an act establishing Larue county; and Messrs. Conway, Walker and Sterett were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

SATURDAY, MARCH 4, 1843.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act concerning the appointment of Constables.

An act to reduce the number of Justices and Constables in the county of Casey.

An act to amend the road law of the county of Campbell.

An act for the benefit of the Sheriffs of Montgomery and Scott counties, and for other purposes.

An act for the benefit of the heirs of Robert Bell, deceased.

An act for the benefit of Elizabeth Williams.

An act for the benefit of Andrew Lewis.

An act to amend the law authorizing changes of venue in civil cases.

An act for the benefit of Jonathan Williams, late Sheriff of Russell county.

An act to provide for a change of venue in the prosecution against Isaac Wesley Caldwell.

An act to authorize a change of venue in the case of the Commonwealth against Sam, a slave.

Approved March 2, 1843.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to add the county of Owsley to the 10th Judicial District, and for other purposes.

That they had passed a bill from the Senate, entitled, an act to amend the charters of the Banks of Kentucky, with amendments.

That they had passed bills of the following titles, to-wit:

An act concerning the town of Portland.

An act incorporating the Henderson Hotel and Warehouse Company.

An act to change the time of holding the Letcher County Court, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House

of Representatives of the following titles, and had found the same truly enrolled, viz:

An act to authorize the erection of a new Seminary of learning in the town of Falmouth, in Pendleton county.

An act to increase the resources of the Sinking Fund.

An act to amend an act incorporating the town of Bedford, in the county of Henry, now in the county of Trimble.

An act to legalize the votes given in the counties of Cumberland and Clinton at the election in 1842, and for other purposes.

An act for the benefit of Coonrod Havens, and Sally Gustin.

An act for the benefit of William K. Allen and wife.

An act for the benefit of the Estill Seminary.

An act further to define the duties of Coroners.

An act for the benefit of the Sheriffs of Bullitt, Rockcastle and Whitley counties.

An act to improve the State road from Williamsburg to London, in Whitley and Laurel counties.

An act amending the law concerning the processioning of lands.

An act for the benefit of the Sheriffs of Daviess, Scott and Wayne counties.

An act to change the terms of certain courts in the 14th Judicial District.

An act for the benefit of James Cox and Jane Cox.

An act for the benefit of the heirs of Charles C. Isaacs, deceased.

An act to increase the jurisdiction of the Trustees of the town of Owenboro'.

An act for the benefit of Lewis Sourds.

An act to amend the road law for the counties west of the Tennessee river.

An act for the benefit of Fielding Smithey, and others.

An act to change the time of holding the Hopkins Circuit Court, and for other purposes.

An act to provide for a change of venue in the prosecution against Jacob, a slave.

An act to provide for a change of venue in the prosecution against Mary McClary.

An act to amend the laws in relation to the Goose Creek turnpike road in the counties of Knox and Clay, and for other purposes.

An act divorcing sundry persons.

An act to incorporate the Trustees of the Washington Presbyterian Church, in Mason county.

An act to change the name of Mary Ann Mason.

An act for the benefit of Rosannah Rock.

An act concerning Steam Boats.

An act for the benefit of the Board of Commissioners of Internal Improvement of McCracken county.

An act for the benefit of William T. Meaders.

An act to establish Larue county.

The Speaker of the House of Representatives having signed the said bills the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. Sterett presented the petition of sundry Justices of the Peace in Hancock county, praying for the passage of a law permitting John Sterett, Esq. to receive from William G. Boyd, Esq. his former docket and papers, which was received and referred to the committee on the Judiciary.

Mr. Pirtle, from the committee on the Judiciary, reported a bill concerning the vacancy of the office of Sheriff in Clay county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to legalize the acts of the Trustees of the town of Sharpsburg, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Crawford, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, reported a bill for the benefit of Daniel Stovall and Isham Thomas, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

The question was taken on engrossing the said bill and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pirtle and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Gilless,	McElroy,
Boyd,	Griffith,	Newell,
Conner,	James,	Palmer,
Conway,	Jesup,	Wallace,
Dyer,	Johnson,	Walker,
Garth,	Loving,	Williams, M—18.

Those who voted in the negative, were—

Messrs. Bailey,	McAfee,	Slaughter,
Bennett,	Morgan, J. S.	Sterett,
Chenault,	Payne,	Woodson,
Drake,	Pirtle,	Young—14.
Hardin,	Rodes,	

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Samuel Todd, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Elijah Evans, of Laurel county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Wm. De Courcey, reported the same with the opinion of the committee that it ought not to pass.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That the Board of Internal Improvement be, and they are hereby, authorized and required to pay to Wm. De Courcey the sum of one hundred and ninety five dollars, the amount of money alledged by him to have been lost accident-

ally, while disbursing the public money upon the Licking river improvement, to be paid out of any money which may now, or which may hereafter, come into their hands for purposes of Internal Improvement, or for the payment of public Contractors.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Bennett and James, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Garth,	Wallace,
Conway,	Johnson,	Williams, M—8.
Drake,	McAfee,	

Those who voted in the negative, were—

Messrs. Alexander,	Huston,	Pirtle,
Bailey,	James,	Rodes,
Boyd,	Jesup,	Slaughter,
Chenault,	Loving,	Sterett,
Conner,	McElroy,	Walker,
Dyer,	Morgan, D.	Williams, S. L.
Gillless,	Morgan, J. S.	Woodson,
Griffith,	Newell,	Young—26.
Hardin,	Payne,	

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act giving further time to the County Courts of Bullitt and Lincoln to procure sets of weights and measures, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act granting further time to the County Courts of this Commonwealth to procure sets of weights and measures.

Mr. James, from the same committee, reported a bill to amend the revenue laws, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on Finance.

Mr. James, from the same committee, to whom was referred a bill for the benefit of T. and L. P. Halliday, reported the same with amendments, which were concurred in.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, "and Joseph G. Roberts."

On the motion of Mr. James, the committee on Finance was discharged from the further consideration of a bill from the House of Representatives, entitled, an act making further provisions for the pay of grand and petit jurors, and the said bill was referred to the committee on the Judiciary.

Mr. Dyer from the committee on Internal Improvement, to whom was referred a bill to fix the tolls on the Green and Barren river navigation, and provide for its future management, reported the same with amendments, which were concurred in.

The said bill was further amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Payne, from the committee on Banks, to whom was referred a bill to establish the Licking Valley Bank of Kentucky, reported the same without amendment.

Ordered, That said bill be made the special order of the day for Monday next.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the charters of the Banks of Kentucky, were taken up.

The said amendments are as follows, viz:

Add to the proviso to this section the following :

"And should said Bank establish the branches herein provided, they shall also have a right to determine, at the expiration of the original charter, whether they will go into liquidation, and wind up the concerns of the Bank, and the right at the succeeding Legislature, after the termination of its original charter, is hereby reserved to repeal the extension of the charter hereby made."

Add to the 12th section this proviso :

"Provided however, That the bonds or tax on the stock heretofore paid by said Bank to the State, shall not be diminished or lessened by reason of retiring such stock."

SEC. 14. Add to the proviso to this section :

"But if the next Legislature fail to take legal steps to enforce the forfeiture on account of any failure on the part of any of the Banks to comply with the provisions and conditions hereby imposed, such failure to act shall be deemed and held in law, as conclusive evidence of the fact of a compliance, and the restoration of the charter shall be complete and unconditional."

The question being taken on concurring in the said amendments, it was decided in the negative, and so they were disagreed to.

MARCH 4.]

JOURNAL OF THE SENATE.

361

The yeas and nays being required thereon by Messrs. McAfee and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd,	Drake,	McAfee,
Conner,	Garth,	Newell,
Conway,	Johnson,	Williams M.—9.

Those who voted in the negative, were—

Messrs. Alexander,	Huston,	Rodes,
Bailey,	James,	Slaughter,
Bennett,	Jesup,	Sterett,
Chenault,	Loving,	Wallace,
Dyer,	McElroy,	Walker,
Gilless,	Morgan, D.	Williams, S. L.
Griffith,	Morgan, J. S.	Woodson,
Hanson,	Payne,	Young—26.
Hardin,	Pirtle,	

Messrs. Payne, J. S. Morgan and Pirtle were appointed a committee of conference, on the part of the Senate, on said amendments.

Ordered, That Mr. Payne inform the House of Representatives thereof, and request the appointment of a committee on their part.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Gilless—1. A bill for the benefit of Uriah Grisham, of Rockcastle county.

On the motion of Mr. Woodson—2. A bill for the benefit of the heirs of Robert Samuel, deceased.

The committee on Internal Improvement was directed to prepare and bring in the 1st, and the committee on the Judiciary the 2d.

Mr. Hanson having obtained leave, reported a bill to prevent extortion and oppression by Sheriffs, their deputies, and Constables, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

And then the Senate adjourned.

MONDAY, MARCH 6, 1843.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act making further provision for the pay of grand and petit jurors, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act to amend the law concerning civil proceedings.

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act concerning the town of Portland.

An act to change the time of holding the Letcher County Court, and for other purposes.

An act incorporating the Henderson Hotel and Warehouse Company.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, reported a bill concerning the records and papers of Justices of the Peace, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to divorce William Hamilton and Dorcas Hayden, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Religion.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill to prevent extortion and oppression by Sheriffs, their deputies, and Constables, reported the same without amendment.

The said bill was amended, and ordered to be read a third time.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Alexander H. Robertson to be Commonwealth's Attorney for the third Judicial District, in the place of Richard A. Buckner, jr., resigned.

R. P. LETCHER.

March 6, 1843.

Resolved, That the Senate advise and consent to the said appointment.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill for the benefit of William A. Garth, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill providing the means to pay the Contractors upon the public works within this Commonwealth, for work and labor already done, reported the same with an amendment, which was concurred in, and the Senate proceeded to the consideration of the orders of the day.

On the motion of Mr. Sterett, the vote postponing, indefinitely, a bill for the relief of Constantine Stigall, was re-considered.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, by Mr. Campbell, announcing that they had insisted on the amendments proposed by them to a bill from the Senate, entitled, an act to amend the charters of the Banks of Kentucky, and had appointed a committee of conference on their part.

Mr. Walker, from a select committee, reported a bill supplemental to an act establishing the county of Larue, and regulating the number of Justices in Hardin county, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill to establish the Licking Valley Bank of Kentucky, was taken up and referred to the committee of the whole House on the state of the Commonwealth. Whereupon the Senate resolved itself into a committee of the whole House, Mr. Drake in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Drake reported that the committee had, according to order, had under consideration the said bill, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

On the motion of Mr. McElroy, the committee of the whole House was discharged from the further consideration of the said bill.

The said bill was amended.

And then the Senate adjourned.

TUESDAY, MARCH 7, 1843.

On the motion of Mr. Griffith, leave was given to bring in a bill regulating the terms of the Hopkins and Henderson County and Circuit Courts; and Messrs. Griffith, McElroy and Sterett were appointed a committee to prepare and bring in the same.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Andrew J. McKinney, of Adair county.

An act for the benefit of Thomas Parker and others.

An act authorizing the appointment of a county Treasurer for the county of Barren.

An act to regulate the terms of the Bourbon, Nicholas and Estill Circuit Courts, and attach the county of Owsley to the 10th Judicial District, and for other purposes.

And enrolled bills which originated in the Senate of the following titles, to-wit:

An act authorizing the appointment of Collectors of the revenue in certain cases.

An act for the benefit of Emily O'Conner, of Daviess county.

An act for the benefit of R. B. Craig and Deborah Carpenter, now of Boyle county.

An act for the benefit of W. W. Rice, of Carter county.

An act for the benefit of James P. Hamilton and Peter L. Harper, of Hardin county.

An act for the benefit of Samuel and P. N. Grinter.

The Speaker of the House of Representatives having signed the said bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. Payne, from the committee of conference, on the part of the Senate, on the disagreement of the two Houses on the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the charters of the Banks of Kentucky, made a report, which was concurred in.

After a short time a message was received from the House of Representatives, announcing that they had concurred in the said report.

That they had received official information that the Governor had approved and signed enrolled bills which originated in the House of Representatives of the following titles, to-wit:

An act for the benefit of William K. Allen and wife.

An act for the benefit of Coonrod Havens, and Sally Gustin.

An act to increase the jurisdiction of the Trustees of the town of Owenboro'.

An act to establish Larue county.

An act for the benefit of William T. Meaders.

An act to change the terms of certain courts in the 14th Judicial District.

An act for the benefit of the Board of Commissioners of Internal Improvement of McCracken county.

An act to incorporate the Trustees of the Washington Presbyterian Church, in Mason county.

An act to change the name of Mary Ann Mason.

An act to amend the law in relation to the Goose Creek turnpike road in the counties of Knox and Clay, and for other purposes.

An act for the benefit of Fielding Smithey, and others.

An act to change the time of holding the Hopkins Circuit Court, and for other purposes.

An act to legalize the votes given in the counties of Cumberland and Clinton at the election in 1842, and for other purposes.

An act to amend an act incorporating the town of Bedford, in the county of Henry, now in the county of Trimble.

An act further to define the duties of Coroners.

An act for the benefit of the Estill Seminary.

An act for the benefit of the Sheriffs of Daviess, Scott and Wayne counties.

An act amending the law concerning the processioning of lands.

An act to authorize the erection of a new Seminary of learning in the town of Falmouth, in Pendleton county.

An act to increase the resources of the Sinking Fund.

An act divorcing sundry persons.

An act concerning Steam Boats.

An act for the benefit of Rosannah Rock.

An act for the benefit of the heirs of Charles C. Isaacs, deceased.

An act for the benefit of James Cox and Jane Cox.

An act to provide for a change of venue in the prosecution against Mary McClary.

An act to provide for a change of venue in the prosecution against Jacob, a slave.

An act for the benefit of Lewis Sourds.

An act to amend the road law for the counties west of the Tennessee river.

An act to improve the State road from Williamsburg to London, in Whitley and Laurel counties.

An act for the benefit of the Sheriffs of Bullitt, Rockcastle and Whitley counties.

Approved March 4, 1843.

That they had passed a bill, entitled, an act for the benefit of the Common Schools in the county of Graves.

Which bill was read the first time, and ordered to be read a second time,

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Education.

The Senate resumed the consideration of a bill providing the means to pay Contractors upon the public works within this Commonwealth, for work and labor already done. The said bill was further amended, and the hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the orders of the day.

A bill to establish the Licking Valley Bank of Kentucky was taken up, and committed to a committee of the whole House on the state of the Commonwealth. Whereupon the Senate resolved itself into a committee of the whole House, Mr. McElroy in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. McElroy reported that the committee had, according to order, had the said bill under con-

sideration, and had gone through the same, and had directed him to report it without amendment.

Mr. Sterett moved to lay the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	James,	Pirtle,
Bailey,	Jesup,	Rodes,
Boyd,	Johnson,	Slaughter,
Chenault,	McAfee,	Sterett,
Conner,	McElroy,	Williams, S. L.
Drake,	Palmer,	Woodson—19.
Hardin,		

Those who voted in the negative, were—

Messrs. Bennett,	Griffith,	Payne,
Conway,	Loving,	Wallace,
Dyer,	Morgan, D.	Walker,
Garth,	Morgan, J. S.	Williams, M.
Gilliss,	Newell,	Young—15.

The following bills were reported, viz :

By Mr. D. Morgan, from a select committee—A bill for the benefit of Josiah McClurg.

By Mr. J. S. Morgan, from the committee on Internal Improvement—A bill for the benefit of Uriah Gresham, of Rockcastle county.

By Mr. James, from the committee on Finance—A bill to extend and continue in force the charters of the Old Bank of Kentucky, and the Bank of the Commonwealth of Kentucky.

By Mr. Slaughter, from the committee on Agriculture—A bill to amend an act granting a bounty on silk cocoons, approved March 3d, 1842.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Young, leave was given to bring in a bill for the benefit of the heirs of William Sympson, late Sheriff of Green county; and Messrs. Young, McElroy and Hardin were appointed a committee to prepare and bring in the same.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for

the benefit of Morida Collins, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The following bills, from the House of Representatives, were reported from the several committees to whom they were referred, without amendment, to-wit:

By Mr. J. S. Morgan, from the committee on Internal Improvement—An act to amend an act to establish a road from the mouth of Laurel to Bates' Salt Works.

By Mr. James, from the committee on Finance—An act for the benefit of Garland Bullock and his securities.

An act for the benefit of the Sheriff of Anderson county.

By Mr. McAfee, from the committee on Religion—An act to divorce William Hamilton and Dorcas Haydon.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. J. S. Morgan, the committee on Internal Improvement was discharged from the duty of preparing and bringing in a bill to authorize the President and shareholders of the Georgetown and Covington turnpike road to appropriate the net proceeds of said road to its completion.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jacob Schenlaub, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. James, from the same committee, to whom was referred a bill to amend the revenue laws, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred the petition of Thomas T. Dunn, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. McAfee, from the committee on Education, to whom was referred a communication from the Secretary of State and Attorney General, reported the same.

Ordered, That the said communication be placed on the Journal. It is as follows, viz:

To the Senate of Kentucky:

The undersigned have read the resolution of the Senate of the 16th instant, in which it is stated that, by a previous resolution of the 16th January, the Board of Education was requested to furnish the Senate with an accurate and detailed account of the sums of money received as interest from the School Fund; and also, in what manner the same had been disposed of, and to whom paid; also, the amount now subject to be drawn for by the Superintendent of Common Schools—and that no report has yet been made to the Senate. They beg leave, most respectfully, to state the reasons, so far as they know, why the information has not been communicated to the Senate. The undersigned saw a copy of the resolution of the 16th January, in the hands of Mr. Brush, the late Superintendent, a few days after its adoption. He assured us he would, without delay, prepare a report, and communicate it to the Senate. He left Frankfort for Louisville, his residence, and has since resigned his office.

By the law creating the Board of Education, the Secretary of State and Attorney General are *ex officio* members of the Board. They receive no compensation, and their duties are advisory only. The Superintendent is the President of the Board, executes bond in a large penalty, and keeps possession of all the books, papers and moneys belonging to the Board. It is made *his* duty to make a report annually to the Legislature, containing a full and comprehensive statement of the amount and condition of the School Fund. He kept his office at Louisville, where, we presume, all the books and papers now are, ready to be delivered to his successor. The undersigned never have had in their possession, or under their control, any of the papers or documents belonging to the Board, and consequently had it not in their power to furnish the information desired by the Senate.

With great respect, your obedient servants,

J. HARLAN, *Sec'y. State.*

O. G. CATES, *Att'y. Gen.*

February 18th, 1843.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of a bill from the House of Representatives, entitled, an act to amend and explain the various laws concerning the town of Columbus, and the said bill was referred to the committee on Finance.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition of sundry citizens of Mercer county, praying that an additional Justice of the Peace be allowed to said county.

Two messages, in writing, were received from the Governor, by Mr. Coleman.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, George F. Catlett to be Police Judge of Morganfield.

R. P. LETCHER.

March 7, 1843.

Resolved, That the Senate advise and consent to the appointment.

Gentlemen of the Senate:

I nominate for your advice and consent, John Squires to be Brigadier General of the 21st Brigade, in place of T. B. Hancock, resigned.

James W. Hawkins to be Major of the 11th Regiment, 3d Brigade, in place of Sandridge Arnett, resigned.

Loyd Ryan to be Colonel of the 34th Regiment, 15th Brigade, in place of William F. White, resigned.

William Stephens to be Lieutenant Colonel of the 34th Regiment, 15th Brigade, in place of Loyd Ryan, if promoted.

James Crouch to be Major of the 34th Regiment, 15th Brigade, in place of James B. Tipton, deceased.

John P. Cooper to be Colonel of the 49th Regiment, 12th Brigade, in place of John Patton, promoted.

James Johnson to be Lieutenant Colonel of the 49th Regiment, 12th Brigade, in place of John P. Cooper, if promoted.

Lorenzo D. Earp to be Major of the 49th Regiment, 12th Brigade, in place of James Johnson, if promoted.

R. P. LETCHER.

March 7, 1843.

Resolved, That the Senate advise and consent to the said appointments.

An engrossed bill, entitled, an act to prevent extortion and oppression by Sheriffs, their deputies, and Constables, was read the third time.

Mr. Garth moved to lay the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McElroy and Drake, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Huston,	Palmer,
Bailey,	James,	Slaughter,
Boyd,	Jesup,	Sterett,
Conner,	Johnson,	Williams, M.
Garth,	Loving,	Young—17.
Griffith,	McElroy,	

Those who voted in the negative, were—

Messrs. Chenault,	McAfee,	Pirtle,
Drake,	Morgan, D.	Wallace,
Dyer,	Morgan, J.S.	Walker,
Gilless,	Newell,	Williams, S.L.
Hardin,	Payne,	Woodson—15.

And then the Senate adjourned.

WEDNESDAY, MARCH 8, 1843.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act to amend the law respecting the Lexington and Ohio Railroad.

An act to amend an act, entitled, an act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion.

With an amendment to the last bill, which was concurred in.

That they had passed a bill, entitled, an act for the benefit of the heirs of Solomon Baker and others.

The said bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of R. B. Craig and Deborah Carpenter, now of Boyle county.

An act for the benefit of W. W. Rice, of Carter county.

An act for the benefit of James P. Hamilton and Peter L. Harper, of Hardin county.

An act for the benefit of Samuel and P. N. Grinter.

An act authorizing the appointment of Collectors of the revenue in certain cases.

An act for the benefit of Emily O'Conner, of Daviess county.

Approved March 7, 1843.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Jacob Swigert, Thos. S. Theobald, Albert G. Hodges and Adam C. Keenon, as sureties of James Davidson, the Treasurer elect.

R. P. LETCHER.

March 8, 1843.

Resolved, That the Senate approve of the said sureties.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons as officers for the county of Larue:

For Justices of the Peace, Abraham Miller, Thomas Brown, Lewis Reed, Squire Larue, John McDougle, Marshall Scott, Jesse H. Rodman, and John Duncan.

For Sheriff, Samuel Riddle.

For Coroner, Gabriel Kirkpatrick.

R. P. LETCHER.

March 8, 1843.

Resolved, That the Senate advise and consent to the said appointments.

The Senate resumed the consideration of a bill providing the means to pay the Contractors upon the public works within this Commonwealth, for work already done.

The third section of said bill is as follows, viz:

SEC. 3. *Be it further enacted*, That to provide the means to meet the foregoing appropriations, the Governor of this Commonwealth be, and he is hereby, authorized to sell the bonds or scrip of the State, in sums of not less than one thousand dollars, bearing an interest of six per centum per annum, payable semi-annually, at any place within the United States, redeemable at any time after thirty years, and at not less than par value in Kentucky currency.

Mr. Hughes moved to amend the said section by adding thereto the following proviso:

Provided, That no sale of bonds, as herein provided, shall be made to pay any debt due to Contractors, unless the further prosecution of work under former contracts be suspended, to be resumed only at the pleasure of the Legislature.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and Garth, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Griffith,	Newell,
Boyd,	Hardin,	Palmer,
Chenault,	Hughes,	Sterett,
Conway,	Huston,	Walker,
Drake,	James,	Williams, M.
Garth,	Johnson,	Woodson—19.
Gilless,		

Those who voted in the negative, were—

Messrs. Bailey,	McAfee,	Rodes,
Bennett,	Morgan, D.	Slaughter,
Dyer,	Morgan, J. S.	Sympson,
Jesup,	Payne,	Wallace,
Loving,	Pirtle,	Williams, S. L—15

On the motion of Mr. James, the said bill was laid on the table.

Mr. Pirtle, from the committee on the Judiciary, reported a bill to amend an act, entitled, an act for the relief of the widow and heirs of Robert S. Samuel, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Young, from the committee on Religion, made the following report, to-wit:

Your committee have had under their serious consideration, the petition of Mrs. Bevel for a divorce from her husband, Seth Bevel, and having patiently examined all the evidence produced before them, both written and oral, have come to the conclusion to ask to be dismissed from any further consideration of the same, because the only evidence adduced to prove the main facts upon which the divorce is asked, is, in the opinion of a majority of the committee who examined the case, totally unworthy of credit, and ought not to be believed, not only on account of the interested attitude which the witness occupied with regard to some of the parties, but also on account of his disgraceful conduct after the supposed facts transpired, as detailed by himself, which satisfied your committee that he was wholly destitute of moral principles. But there are other considerations which have had much weight with your committee. This petition is pressed by third parties on behalf of a mother, at the sacrifice of the reputation of a young and helpless daughter, who has had no opportunity of defending her character, which, in the opinion of your committee, has been cruelly and unjustly assailed by a witness, whose infamous acts and attempts to destroy the reputation of this helpless daughter, to whom he had made proposals of marriage, ought to expel him from all respectable society. Under these solemn convictions of the duty which we owe to the purity of morals, and in defence of a much injured female, have brought them to the conclusion above stated.

Mr. M. Williams moved that the committee report a bill for the divorce of Mrs. Bevel.

Mr. McAfee moved the previous question, and the main question was ordered.

The question being taken on discharging the committee from the further consideration of the said petition, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Drake and McAfee, were as follows, *to-wit*:

Those who voted in the affirmative, were—

Messrs. Alexander,	Jesup,	Palmer,
Bennett,	Johnson,	Payne,
Boyd,	Loving,	Rodes,
Conner,	McAfee,	Sterett,
Hardin,	Morgan, D.	Sympson,
Hughes,	Newell,	Woodson—18.

Those who voted in the negative, were—

Messrs. Chenault,	Griffith,	Walker,
Drake,	Huston,	Williams, M.
Dyer,	James,	Williams, S. L.
Garth,	Wallace,	Young—13.
Gilless,		

Mr. Young, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act divorcing sundry persons of this Commonwealth, reported the same.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Drake, were as follows, *viz*:

Those who voted in the affirmative, were—

Messrs. Alexander,	Gilless,	Loving,
Bailey,	Hughes,	McAfee,
Bennett,	Huston,	Newell,
Boyd,	James,	Payne,
Conner,	Jesup,	Slaughter,
Conway,	Johnson,	Woodson—19.
Garth,		

Those who voted in the negative, were—

Messrs. Chenault,	Morgan, J. S.	Wallace,
Drake,	Palmer,	Walker,
Dyer,	Pirtle,	Williams, M.
Griffith,	Rodes,	Williams, S. L.
Hardin,	Sterett,	Young—17.
Morgan, D.	Sympson,	

On the motion of Mr. J. S. Morgan, the committee on Internal Improvement was discharged from the further consideration of all the business before them.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Lois Smallwood, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the revenue laws, reported the same without amendment.

Mr. James moved to amend the said bill by adding thereto the following proviso, viz:

Provided, That any piano, watch or gold spectacles which may be actually owned by, and in the possession of any widow, shall be exempt from the specific tax hereby imposed.

Mr. Payne moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Alexander were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hardin,	Payne,
Boyd,	Hughes,	Pirtle,
Conner,	McAfee,	Rodes,
Dyer,	Morgan, D.	Slaughter,
Gilless,	Morgan, J. S.	Walker,
Griffith,	Palmer,	Williams, S. L-18.

Those who voted in the negative, were—

Messrs. Alexander,	James,	Sympson,
Bennett.	Jesup,	Wallace,
Chenault,	Johnson,	Williams, M.
Drake,	Loving,	Woodson,
Garth,	Newell,	Young—17.
Huston,	Sterett,	

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jesup and Drake, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hardin,	Payne,
Chenault,	James,	Pirtle,
Conner,	Loving,	Rodes,
Conway,	McAfee,	Slaughter,
Dyer,	Morgan, D.	Walker,
Gilless,	Morgan, J. S.	Williams, S. L.
Griffith,	Palmer,	Woodson—21

Those who voted in the negative, were—

Messrs. Alexander,	Hughes,	Sterett,
Bailey,	Huston,	Sympson,
Boyd,	Jesup,	Wallace,
Drake,	Johnson,	Williams, M.
Garth,	Newell,	Young—15.

On the motion of Mr. Payne,

Ordered, That the third reading of the said bill be had to-morrow at ten o'clock.

Mr. James, from the same committee, to whom was referred a bill for the benefit of mechanics, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended to read, an act explanatory of the law in relation to Pedlers.

Mr. McAfee, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Common Schools in the county of Graves, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill to organize a volunteer company in the town of Shellyville, reported the same with the opinion of the committee that it ought not to pass.

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the negative, and so the said bill was rejected.

On the motion of Mr. Huston,

Resolved, That the Public Printer be authorized and required to print and forward to each member of the Senate, 100 copies of the list of the

several acts, passed at the present session, with brief explanations of their purport.

A bill from the House of Representatives, entitled, an act regulating the time of holding Justice's courts, was read the third time, as amended, and was further amended by way of engrossed ryder.

The question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Pirtle were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Payne,
Chenault,	Hughes,	Pirtle,
Conner,	Johnson,	Slaughter,
Conway,	McAfee,	Wallace,
Drake,	Morgan, D.	Walker,
Dyer,	Morgan, J. S.	Williams, M.
Garth,	Newell,	Woodson—23.
Gilless,	Palmer,	

Those who voted in the negative, were—

Messrs. Bailey,	James,	Sterett,
Boyd,	Jesup,	Williams, S. L.
Griffith,	Loving,	Young—11.
Huston,	Rodes,	

Resolved, That the title of the said bill be as aforesaid.

Mr. Young, from a select committee, reported a bill for the benefit of Samuel Simpson, deputy Sheriff of Green county.

Mr. Pirtle having obtained leave, reported a bill to divorce Frederica Louisa Schuessler.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Young moved the following preamble and resolution, viz:

WHEREAS, James C. Sympson, from the 8th Senatorial District, has been so much afflicted lately, that he could not reach his seat in the Senate until late in the present session, and whereas, he has incurred considerable trouble and expense in getting here to attend to his duties—therefore,

Be it resolved by the Senate, That he be as fully authorized to draw his full pay, for the present session, as though he had attended the whole time.

Which was twice read and adopted.

A bill from the House of Representatives, entitled, an act to authorize the several County Courts of this State to appoint Inspectors of beef, pork and lard, was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill to amend the execution laws, was taken up and amended.

The second section of the said bill is as follows, viz:

Sec. 2. *Be it further enacted*, That as to all contracts hereafter made, and as to all causes of action hereafter arising, in lieu of the specific property now exempt from execution, there shall be exempt from execution or distress, property to be selected by each defendant in execution, if a married person or a housekeeper, to the amount and value of two hundred and fifty dollars, and provisions and fuel sufficient for the family for six months, or if a single person, one hundred dollars; which value shall be ascertained and fixed as provided for in the first section of this act, and as to such property so selected, there shall be the same retention, exemption, privileges and liabilities, as is provided for in the said first section.

Sec. 3. That the defendant in execution shall have the election to retain the amount in value exempt by this act, or to retain the specific property heretofore exempted from execution by law.

Mr. Garth moved to amend the said bill by striking out the said section.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Garth and D. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Griffith,	James,
Bailey,	Hardin,	Jesup,
Conner,	Huston,	Sterett—10.
Garth,		

Those who voted in the negative, were—

Messrs. Boyd,	Loving,	Rodes,
Chenault,	McAfee,	Slaughter,
Conway,	Morgan, D.	Wallace,
Drake,	Morgan, J. S.	Walker,
Dyer,	Newell,	Williams, M.
Gillless,	Palmer,	Williams, S. L.
Hughes,	Payne,	Woodson,
Johnson,	Pirtle,	Young—24.

The said bill was further amended and ordered to be engrossed and read a third time.

Mr. Walker moved to dispense with the constitutional rule as to the third reading of said bill.

The question being taken thereon, it was decided in the negative, four-fifths of the votes not being therefor.

The yeas and nays being required thereon by Messrs. Sterett and M. Williams, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Payne,
Bennett,	Hughes,	Pirtle,
Boyd,	Johnson,	Rodes,
Chenault,	Loving,	Slaughter,
Conway,	McAfee,	Wallace,
Drake,	Morgan, J. S.	Walker,
Dyer,	Newell,	Williams, M.
Gilless,	Palmer,	Woodson—24.

Those who voted in the negative, were—

Messrs. Bailey,	Griffith,	Jesup,
Conner,	Huston,	Sterett,
Garth,	James,	Young—9.

On the motion of Mr. Payne,

Ordered, That the third reading of the said bill be had to-morrow at half past ten o'clock.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit :

Gentlemen of the Senate:

I nominate for your advice and consent, Robert F. Samuels to be Notary Public for the county of Bullitt.

R. P. LETCHER.

March 8, 1843.

Resolved, That the Senate advise and consent to the said appointment.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to regulate the courts in the county of Johnson, with amendments.

The said amendments are as follows, viz :

Add to the bill—

Sec. 2. *Be it further enacted*, That from and after the passage of this act, there shall be but two terms of the Circuit Courts in this Commonwealth—one to be held in the Spring and the other in the Fall, in the months that they are now held, and the summer terms of said courts are hereby abolished: *Provided*, That the special terms of the several courts for the trial of Chancery causes, shall be holden and continued as heretofore.

Sec. 3. That this act shall not affect the terms of the Jefferson Circuit Court, but the same shall be held as now prescribed by law: *Provided*,

That any Circuit Judge may, if the business of the Court shall require it, continue any term beyond the time now prescribed by law, by entering an order on his record to that effect: *And, provided further,* That he may hold any special Chancery term, by entering a similar order, or any term for the trial of criminal causes.

SEC. 4. *Be it further enacted,* That if any process shall be improvidently made returnable to the summer terms, such process shall be held good, to all intents and purposes, as if made returnable to the fall terms.

Mr. James moved to refer the said amendments to the committee on the Judiciary.

Mr. McAfee moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hughes,	Payne,
Chenault,	Johnson,	Slaughter,
Conner,	McAfee,	Wallace,
Conway,	Morgan, D.	Walker,
Drake,	Morgan, J. S.	Williams, M.
Dyer,	Newell,	Woodson—19
Gilless,		

Those who voted in the negative, were—

Messrs. Alexander,	Huston,	Pirtle,
Bailey,	James,	Rodes,
Boyd,	Jesup,	Sterett,
Griffith,	Loving,	Williams, S. L.
Hardin,	Palmer,	Young—15.

The question was then taken on concurring in the said amendment, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Alexander, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Gilless,	Payne,
Chenault,	Hughes,	Pirtle,
Conner,	Johnson,	Slaughter,
Conway,	McAfee,	Wallace,
Drake,	Morgan, D.	Walker,
Dyer,	Morgan, J. S.	Williams, M.
Garth,	Newell,	Woodson—21.

Those who voted in the negative, were—

Messrs. Alexander,	Huston,	Rodes,
Bailey,	James,	Sterett,
Boyd,	Jesup,	Williams, S. L.
Griffith,	Loving,	
Hardin,	Palmer,	Young—14.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act to regulate certain courts in the 15th Judicial District.
An act for the benefit of C. T. Taylor and John Aulsebrook.
An act for the benefit of Elijah Evans, of Laurel county.
An act for the benefit of William Crawford.

An act to legalize the acts of the Trustees of the town of Sharpsburg, and for other purposes.

An act concerning the town of Portland.

An act to change the time of holding the Letcher County Court, and for other purposes.

An act to amend the charter of the city of Louisville.

An act to incorporate the town of Smithland, and for other purposes.

And a bill which originated in the Senate, entitled, an act to amend the charters of the Banks of Kentucky.

The Speaker of the House of Representatives having signed the said bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

And then the Senate adjourned.

THURSDAY, MARCH 9, 1843.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act regulating the time of holding Justice's courts.

That they had adopted a memorial and resolutions from the Senate respecting Christopher Miller.

That they had passed bills from the Senate of the following titles, viz :

An act for the benefit of Joseph Barbour.

An act for the benefit of John W. Finnell and his securities.

An act to amend an act to incorporate the Trustees of the Hawesville Seminary.

An act for the benefit of the Trigg county Seminary.

An act to incorporate the Frankfort and Lee's Branch turnpike road company.

An act to repeal the act allowing the Owingsville and Big Sandy turnpike road company to erect a gate on said road, and for other purposes.

An act to improve the roads leading to and from the town of Florence, in the county of Boone.

An act directing an enquiry concerning certain grants of land to Jacob Lewis.

An act to incorporate the Western Coal Company.

An act to legalize the proceedings of the Knox County Court at their April and May terms, 1840.

An act for the benefit of Eunice A. Thomson and Elvira Thomson.

An act for the benefit of George R. H. Clark, and the heirs of James P. Clark, dec'd.

An act for the relief of Woodson Denham and Lethe, his wife.

An act authorizing the County Court of Morgan county to change the State road leading from Mountsterling to Prestonsburg, within the county of Morgan.

An act to change the place of voting in Black's precinct, in Boone county.

An act regulating the toll of grist mills in Trigg and Caldwell counties.

An act concerning the mileage of the members of the General Assembly.

An act to amend the law concerning the distribution of the public law books.

An act to legalize the proceedings of the Crittenden Circuit Court, and for other purposes.

An act for the benefit of Nicholas Jones.

An act in relation to a grant of water power to the Government of the United States, by the State of Kentucky.

An act concerning the vacancy in the office of Sheriff in Clay county.

An act for the benefit of Daniel Stovall and Isham Thomas.

An act to divide the State into Congressional Districts.

An act to amend the law in relation to Internal Improvements in Calloway county.

An act for the benefit of the Paymaster of the 115th Regiment of Kentucky Militia.

An act for the benefit of John J. Marshall and W. W. Clack.

An act to establish two election precincts in the county of Whitley.

An act supplemental to an act establishing the county of Owsley.

An act to amend the law establishing the Paris Fire Company.

With amendments to the seven last named bills.

That they had received official information that the Governor had approved and signed enrolled bills which originated in the House of Representatives of the following titles, to-wit:

An act authorizing the appointment of a county Treasurer for the county of Barren.

An act for the benefit of Thomas Parker and others.

An act for the benefit of Andrew J. McKinney, of Adair county.

An act to regulate the terms of the Bourbon, Nicholas and Estill Circuit Courts, and attach the county of Owsley to the 10th Judicial District, and for other purposes.

Approved March 7, 1843.

That they had passed bills of the following titles, to-wit:

1. An act to change the time of holding the Court of Assessment.
2. An act for the benefit of the Contractors of the public works.
3. An act to repeal all acts declaring Floyd's Fork a navigable stream.
4. An act for the benefit of the Common Schools in Wayne county, and for other purposes.
5. An act to add to the resources of the Sinking Fund.
6. An act to repeal an act, entitled, an act to establish a State road from Liberty, in Casey county, to Albany, in Clinton county.
7. An act for the benefit of Thomas Summers, Silas Gray and W. W. Summers.
8. An act for the benefit of Mrs. Jones, of Scott county.
9. An act for the relief of James and Robert Fish.
10. An act to repeal the fourth section of an act, entitled, an act to provide for the improvement of the road from Franklin county to Crab Orchard, in Lincoln county.
11. An act to legalize the settlement of the Court of Assessment of the 20th Regiment of Kentucky Militia.
12. An act for the benefit of Lewis H. Chrisman and his securities.
13. An act for the benefit of Caleb T. Worley and his securities.
14. An act for the divorce of Mary L. Chinn.
15. An act to extend the bounds of the town of Dover, in Mason county, and for other purposes.
16. An act to incorporate school Trustees in the town of Ghent, and for other purposes.

Which bills, except the second, were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 5th was referred to the committee on Finance; the 8th

and 10th to the committee on Internal Improvement; the 14th to the committee on Religion; the 17th to the committee on Education, and the 3d, 4th, 6th, 7th, 9th, 11th, 12th, 13th and 15th were ordered to be read a third time.

The constitutional rule as to the third reading of the 3d, 4th, 6th, 7th, 9th, 11th, 12th, 13th and 15th bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The question being taken on reading the first bill a third time, it was decided in the negative, and so the said bill was disagreed to.

That they had adopted a resolution in relation to cancelling six year State bonds, which was twice read and concurred in.

Mr. Garth having obtained leave, reported a bill for the benefit of John Leathers and wife, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. James moved that a message be sent to the House of Representatives, asking leave to withdraw the report that the Senate had concurred in the amendments proposed by that House to a bill from the Senate, entitled, an act to regulate the courts in the county of Johnson.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Woodson, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Palmer,
Bailey,	Huston,	Pirtle,
Boyd,	James,	Rodes,
Conway,	Jesup,	Sterett,
Garth,	Johnson,	Walker,
Griffith,	Loving,	Young—18.

Those who voted in the negative, were—

Messrs. Bennett,	Gilless,	Payne,
Chenault,	Hughes,	Slaughter,
Conner,	McAfee,	Wallace,
Drake,	Morgan, J. S.	Williams, M.
Dyer,	Newell,	Woodson—15.

Ordered, That Mr. James carry the said message.

On the motion of Mr. Conway, the vote on yesterday advising and con-

senting to the appointment of the several officers for Larue county, as nominated by the Governor, was re-considered.

A message was received from the Governor, by Mr. Harlan, Secretary of State, requesting leave to withdraw the nomination of the said officers—which leave was granted, and the nominations were withdrawn.

A bill from the House of Representatives, entitled, an act to amend the revenue laws, was taken up and read a third time.

Mr. Payne moved the previous question, and the question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Payne, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Loving,	Rodes,
Chenault,	McAfee,	Slaughter,
Conner,	Morgan, J. S.	Wallace,
Conway,	Newell,	Walker,
Dyer,	Payne,	Williams, M.
Gilless,	Pirtle,	Woodson—18.

Those who voted in the negative, were—

Messrs. Alexander,	Griffith,	Jesup,
Bailey,	Hardin,	Johnson,
Boyd,	Hughes,	Palmer,
Drake,	Huston,	Sterett,
Garth,	James,	Young—15.

The question was taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Young, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett.	Hardin,	Pirtle,
Chenault,	Loving,	Rodes,
Conner,	McAfee,	Slaughter,
Conway,	Morgan, J. S.	Walker,
Dyer,	Palmer,	Williams, M.
Gilless,	Payne,	Woodson—18.

Those who voted in the negative, were—

Messrs. Alexander,	Griffith,	Johnson,
Bailey,	Hughes,	Newell,
Boyd,	Huston,	Sterett,
Drake,	James,	Wallace,
Garth,	Jesup,	Young—15.

Resolved, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act to amend the execution laws, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup moved that a bill to establish the Licking Valley Bank of Kentucky, be taken up.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Payne, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Jesup,	Rodes,
Bennett,	Loving,	Slaughter,
Conner,	Morgan, D.	Wallace,
Conway,	Morgan, J. S.	Walker,
Dyer,	Newell,	Williams, M.
Garth,	Payne,	Young—19.
Gilless,		

Those who voted in the negative, were—

Messrs. Bailey,	Hardin,	McAfee,
Boyd,	Hughes,	Palmer,
Chenault,	Huston,	Pirtle,
Drake,	James,	Sterett,
Griffith,	Johnson,	Woodson—15.

Mr. Young moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Hardin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Garth,	Payne,
Bennett,	Gilless,	Rodes,
Conner,	Jesup,	Wallace,
Conway,	Loving,	Walker,
Drake,	Morgan, D.	Young—17.
Dyer,	Morgan, J. S.	

Those who voted in the negative, were—

Messrs. Boyd,	Hughes,	McAfee,
Chenault,	Huston,	Palmer,
Griffith,	James,	Pirtle,
Hardin,	Johnson,	Sterett—12.

Mr. Hughes asked to have the bill read, and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Payne, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardin,	Johnson,
Bailey,	Hughes,	McAfee,
Boyd,	Huston,	Palmer,
Chenault,	James,	Sterett—12.

Those who voted in the negative, were—

Messrs. Bennett,	Jesup,	Rodes,
Conway,	Loving,	Slaughter,
Drake,	Morgan, D.	Wallace,
Dyer,	Morgan, J. S.	Walker,
Garth,	Payne,	Williams, M.
Gilless,	Pirtle,	Young—19.
Griffith,		

The question was taken on engrossing the said bill and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and M. Williams, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Griffith,	Rodes,
Conner,	Jesup,	Wallace,
Conway,	Loving,	Walker,
Dyer,	Morgan, D.	Williams, M.
Garth,	Morgan, J. S.	Young—17.
Gilless,	Payne,	

Those who voted in the negative, were—

Messrs. Alexander,	Hughes,	Palmer,
Bailey,	Huston,	Pirtle,
Boyd,	James,	Slaughter,
Chenault,	Johnson,	Sterett,
Drake,	McAfee,	Woodson—16.
Hardin,		

The hour of 12 o'clock having arrived, Mr. Dyer moved to dispense with the orders of the day; and the question being taken thereon, it was decided in the negative, there not being two-thirds in favor of said motion.

The yeas and nays being required thereon by Messrs. Sterett and Hardin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Gilles,	Rodes,
Conner,	Jesup,	Slaughter,
Conway,	Loving,	Wallace,
Drake,	Morgan, D.	Walker,
Dyer,	Morgan, J. S.	Williams, M.
Garth,	Payne,	Young—18.

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	McAfee,
Bailey,	Hughes,	Palmer,
Boyd,	Huston,	Pirtle,
Chenault,	James,	Sterett—14.
Griffith,	Johnson,	

A message was received from the House of Representatives, announcing that they had insisted on the amendment proposed by them to a bill from the Senate, entitled, an act to explain the law concerning the prison bounds, and to authorize replevin in certain cases of misdemeanor.

That they had receded from the amendment proposed by them to a bill from the Senate, entitled, an act to amend the law of Landlord and Tenant.

That they had disagreed to the amendments proposed by the Senate to a bill from that House, entitled, an act making further provision for the pay of grand and petit jurors.

That they had concurred in the first and fourth, and disagreed to the second and third amendments proposed by the Senate to a bill from that House, entitled, an act to reduce the salaries of certain officers of this Commonwealth.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to-wit:

An act for the benefit of Merida Collins.

An act for the benefit of Samuel Todd.

An act granting further time to the County Courts of Bullitt and Lincoln to procure sets of weights and measures.

An act for the benefit of sundry citizens of Pike county, and for other purposes.

An act for the benefit of Benjamin Webb, and his securities.

That they had passed a bill from the Senate, entitled, an act to divorce Frederica Louise Schuessler, with an amendment, which amendment was concurred in.

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, were twice read and concurred in, viz:

An act to divide the State into Congressional Districts.

An act to amend the law in relation to Internal Improvements in Calloway county.

An act for the benefit of the Paymaster of the 115th Regiment of Kentucky Militia, and for other purposes.

An act for the benefit of John J. Marshall and W. W. Clack.

An act to establish two election precincts in the county of Whitley.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act supplemental to the act establishing the county of Owsley, was twice read and concurred in, with an amendment.

An act to amend the law establishing the Paris Fire Company, together with the amendments proposed thereto by the House of Representatives, were referred to the committee on Internal Improvement.

Resolved, That the Senate recede from their disagreement to the amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act to explain the law concerning the prison bounds, and to authorize replevin in certain cases of misdemeanor.

A bill from the House of Representatives, entitled, an act making further provision for the pay of grand and petit jurors, and the amendments thereto, were laid on the table.

Resolved, That the Senate insist on the second and third amendments proposed by them to a bill from the House of Representatives, entitled, an act to reduce the salaries of certain officers of this Commonwealth.

On the motion of Mr. Garth,

Ordered, That a committee of conference be appointed, on the part of the Senate, on the disagreement of the two Houses on the said amendments, and Messrs. Garth, Sterett and John S. Morgan were appointed said committee.

Mr. Slaughter having obtained leave, reported a bill supplemental to an act regulating the time of holding Justices' courts, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act divorcing sundry persons of this Commonwealth, was read a third time.

The question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Young and Garth, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Alexander,	Conner,	Gilless,
Bailey,	Conway,	Griffith,
Boyd,	Garth,	Hughes,

Huston,	Loving,	Payne,
James,	McAfee,	Slaughter,
Jesup,	Morgan, D.	Williams, M—20.
Johnson,	Newell,	

Those who voted in the negative, were—

Messrs. Chenault,	Palmer,	Wallace,
Drake,	Pirtle,	Walker,
Dyer,	Rodes,	Woodson,
Hardin,	Sterett,	Young—13.
Morgan, J. S.		

Mr. Griffith, from a select committee, reported a bill to regulate the terms of the Hopkins County Courts, and certain other County Courts, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs of Solomon Baker and others, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill for the benefit of Lewis V. Wernwag, and a bill to authorize the leasing of turnpike roads, were laid on the table.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to fix the tolls on the Green and Barren river navigation, and provide for its future management, with an amendment, which was twice read and concurred in.

Also, a bill from the Senate, entitled, an act to amend the law establishing Common Schools in this Commonwealth.

Mr. Bailey, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, and a memorial and resolutions, which originated in the Senate of the following titles, and had found the same truly enrolled, to-wit:

An act to amend the law respecting the Lexington and Ohio Railroad.

An act directing an enquiry concerning certain grants of land to Jacob Lewis.

An act to amend an act, entitled, an act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion, and for other purposes.

An act concerning the mileage of the members of the General Assembly.

An act for the benefit of Eunice A. Thomson and Elvira Thomson.

An act to amend an act to incorporate the Trustees of the Hawesville Seminary.

An act for the benefit of George R. H. Clark, and the heirs of Wm. P. Clark, dec'd.

An act to incorporate the Western Coal Company.

An act to regulate the courts in the county of Johnson, and to abolish the summer term of the Circuit Courts, and for other purposes.

An act to legalize the proceedings of the Knox County Court at their April and May terms, 1840.

An act to legalize the proceedings of the Crittenden Circuit Court, and for other purposes.

An act concerning the vacancy in the office of Sheriff in Clay county.

An act for the benefit of Nicholas Jones.

An act for the benefit of John W. Finnell and his securities.

An act for the benefit of Joseph Barbour.

An act for the benefit of the Trigg county Seminary.

An act to amend the law of Landlord and Tenant.

An act to divide the State into Congressional Districts.

An act to repeal the law allowing the Owingsville and Big Sandy turnpike road company to erect a gate on said road, and for other purposes.

An act to improve the roads leading to and from the town of Florence, in the county of Boone.

A memorial and resolution respecting Christopher Miller.

The said bills and memorial and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

Three messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, John E. Newman to be Police Judge of the town of Smithland.

R. P. LETCHER.

March 9, 1843.

Gentlemen of the Senate:

I nominate for your advice and consent, Madison C. Johnson and Henry T. Duncan as Directors, on the part of the State, in the Northern Bank of Kentucky; and Virgil McKnight and James Guthrie as Directors, on the part of the State, in the Bank of Kentucky.

R. P. LETCHER.

March 9, 1843.

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons as Commissioners in the several States annexed to their names, respectively, under the act of the present session, approved 23d January, 1843, viz:

For the State of Ohio, Thomas M. Key, of Cincinnati; Charles Anderson, of Dayton; William Creighton, of Chillicothe; John W. Allen, of Cleaveland, and M. R. Waite, of Maumee city.

For the State of Indiana, Henry W. Smith, of New Albany, and James Hughes, of Bloomington.

For the State of Arkansas, Frederick W. Trapnall, of Little Rock.

For the State of Mississippi, Thomas A. Marshall, of Vicksburg, and Aylett Buckner, of Natchez.

For the State of Louisiana, William Christy, of New Orleans.

For the State of New York, J. N. Reynolds, of the city of New York.

For the State of Virginia, Giles Seaton, of the city of Richmond, and Alexander Wilson, of Wheeling.

For the State of Pennsylvania, Thomas C. Rockhill, jr. of Philadelphia.

For the State of Missouri, Logan Hunton, of St. Louis; Julius Clark, of St. Louis, and Samuel T. Glover, of Palmyra.

For the State of Tennessee, Thomas Washington, of Nashville.

For the State of Alabama, John Tut, of Alabama.

For the District of Columbia, Philip R. Fendall.

R. P. LETCHER.

March 9, 1843.

Resolved, That the Senate advise and consent to the said appointments.

A bill from the House of Representatives, entitled, an act for the benefit of the Contractors on the public works, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Mr. Drake moved the previous question. The question being taken, shall the main question be now put? it was decided in the negative.

The yeas and nays being required thereon by Messrs. Drake and Hardin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,
Drake,
Garth,

Loving,
McAfee,

Slaughter,
Walker—7.

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Palmer,
Bailey,	Hughes,	Payne,
Boyd,	Huston,	Pirtle,
Chenault,	James,	Rodes,
Conner,	Jesup,	Sterett,
Conway,	Johnson,	Wallace,
Dyer,	Morgan, D.	Williams, M.
Gilles,	Morgan, J. S.	Woodson—26.
Griffith,	Newell,	

The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

The question was then taken on the passage of the said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Jesup, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Alexander,	Jesup,	Rodes,
Bailey,	Loving,	Slaughter,
Chenault,	Morgan, D.	Sterett,
Conner,	Morgan, J. S.	Wallace,
Dyer,	Palmer,	Walker,
Griffith,	Payne,	Williams, M.
Hardin,	Pirtle,	Woodson—22.
Huston,		

Those who voted in the negative, were—

Messrs. Bennett.	Garth,	Johnson,
Boyd,	Hughes,	McAfee,
Drake,	James,	Newell—9.

Resolved, That the title of the said bill be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz :

An act supplemental to an act regulating the time of holding Justices' courts.

An act concerning the collection of the revenue.

An act for the benefit of Caroline E. M. Porter.

An act to amend the law concerning executions.

An act concerning certain law books.

An act for the benefit of the Presbyterian Church in the town of Henderson.

An act concerning the fund bequeathed to the Harrison County Court, by the last will of Henry C. Moore, deceased.

An act to amend an act to incorporate the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky, approved February 24, 1834.

An act for the benefit of the Cumberland Presbyterian Church, at Princeton.

An act concerning certain deeds and powers of attorney in the Montgomery County Court.

An act to amend the law of February 23, 1842, touching the Somerset Independent Bank.

An act for the benefit of the Jailers of this Commonwealth.

An act for the benefit of the Trustees of the Catholic Church in Taylorsville.

An act authorizing the Second Auditor to have the land sold that may be forfeited to the Commonwealth of Kentucky for the non-payment of taxes, interest and costs due thereon.

With an amendment to the last bill, which amendment was concurred in. That they had passed bills of the following titles, to-wit:

1. An act for the benefit of the Commissioners of Tax, appointed in the year 1842.

2. An act for the appropriation of money.

3. An act to amend the penal laws of this Commonwealth.

The second bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Finance.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons as officers for the county of Larue:

For Justices of the Peace, Joseph Able, Abraham Miller, Thomas Brown, Lewis Reed, Squire Larue, John McDougle, Marshall Scott and Jesse H. Rodman.

For Sheriff, Jonathan F. Cessina.

For Coroner, Gabriel Kirkpatrick.

R. P. LETCHER.

March 9, 1843.

Gentlemen of the Senate:

I nominate for your advice and consent, James Haggard to be Major of the 46th Regiment, 10th Brigade, in place of N. C. Robinson, promoted.

Adison L. Thompson to be Lieutenant Colonel of the 86th Regiment, 4th Brigade, in place of George W. Berry resigned.

Robert Scott to be Major of the 86th Regiment, 4th Brigade, in place of N. M. Dearbon.

R. P. LETCHER.

March 9, 1843.

Resolved, That the Senate advise and consent to the said appointments.

And then the Senate adjourned.

FRIDAY, MARCH 10, 1843.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act for the benefit of Elijah Evans, of Laurel county.

An act to provide for a final settlement with the present Keeper of the Penitentiary, the election of another Keeper, and for other purposes.

An act to amend the charter of the city of Louisville, and for other purposes.

An act to incorporate the town of Smithland, and for other purposes.

An act to regulate certain courts in the 15th Judicial District.

An act for the benefit of C. T. Taylor and John Aulsebrook.

An act to change the time of holding the Letcher County Court, and for other purposes.

An act concerning the town of Portland.

An act for the benefit of William Crawford.

An act to legalize the acts of the Trustees of the town of Sharpsburg, and for other purposes. Approved March 8, 1843.

That they had receded from their disagreement to the second and third amendments proposed by the Senate to a bill from that House, entitled, an act to reduce the salaries of certain officers of this Commonwealth.

That they had disagreed to a bill from the Senate, entitled, an act to add Wayne county to the 18th Judicial District, and for other purposes.

That they had passed bills from the Senate of the following titles, viz:

An act supplemental to an act to enlarge the town of Owenborough, and for other purposes.

An act concerning the records in the Jefferson County Court office.

An act to ratify the marriage of John Leathers and wife.

An act to amend the jury laws.

An act to amend the law concerning Sheriffs and Constables.

An act for the benefit of the children of Reuben Graves, dec'd.

An act to amend the law regulating the fire company of Shelbyville.

An act further to amend the law authorizing the sale of infants' real estate, and slaves.

An act better to establish the Fire Department of the city of Louisville.

An act concerning writings in foreign languages.

An act to amend the law concerning persons of unsound mind.

An act to incorporate the Kentucky Oyster Company.

An act to amend an act, entitled, an act for the relief of the widow and heirs of Robert S. Samuel.

An act for the benefit of Timothy Burgess, of Lincoln county.

An act to change the time of holding the County Courts of Morgan and Breathitt counties.

An act concerning the records and papers of Justices of the Peace.

With amendments to the three last bills.

That they had passed bills of the following titles, viz :

An act for the benefit of William H. Wooten.

An act for the benefit of Greenberry Camplin and Hiram Kendly.

An act to amend an act, entitled, an act to incorporate the town of Independence, in the county of Kenton.

An act for the benefit of the heirs of John Leathers, deceased, and the heirs of John W. Anderson, deceased.

Mr. Slaughter, from the committee on Agriculture, to whom was referred the Essay of Judge Beatty on Agriculture, made the following report.

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer print 500 copies of the said report and Essay, for the use of the General Assembly.

A message was received from the House of Representatives, asking leave to withdraw the report of the passage, by that House, of a bill, entitled, an act to amend the penal laws of this Commonwealth, which was granted.

And that they had disagreed to the amendments proposed by the Senate to a bill from that House, entitled, an act for the benefit of the Contractors of the public works; and that they had appointed a committee of conference, on their part, and asked the appointment of a committee on the part of the Senate.

Resolved, That the Senate insist on their amendments to said bill, and that Messrs. J. S. Morgan, Dyer and Loving be appointed a committee of conference, on the part of the Senate, to meet the committee appointed on the part of the House.

On motion,

Ordered, That the Clerk of the Senate certify for payment, the tolls of the members of the present session, and that he certify the per diem pay of members only from the time they take their seats in the Senate, unless by the express direction of the Senate.

Mr. Payne having obtained leave, reported a bill supplemental to an act entitled, an act to regulate the courts in the county of Johnson, and to abolish the summer term of the Circuit Court, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Mr. Payne moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Huston,	Payne,
Chenault,	Johnson,	Rodes,
Conner,	McAfee,	Wallace,
Drake,	Morgan, D.	Williams, S. L-14
Griffith,	Morgan, J. S.	

Those who voted in the negative, were—

Messrs. Alexander,	Gilless,	Pirtle,
Boyd,	Hughes,	Walker,
Dyer,	Loving,	Williams, M-9.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, reported a bill for the benefit of the heirs of James Philips, deceased, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of Greenberry Camplin and Hiram Kendly, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, the question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and S. L. Williams, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Gilless,	Morgan, D.
Bennett,	Griffith,	Morgan, J.S.
Boyd,	Huston,	Wallace,
Conner,	Jesup,	Walker,
Drake,	Johnson,	Williams, M.
Dyer,	McAfee,	Williams, S.L-19
Garth,		

Those who voted in the negative, were—

Messrs. Conway,	Hughes,	Pirtle—5.
Hardin,	Payne,	

Resolved, That the title of the said bill be as aforesaid.

Mr. Boyd was added to the committee on Enrollments.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to amend the penal laws of this Commonwealth, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to repeal the fourth section of an act, entitled, an act to provide for the improvement of the road from Franklin county to the Crab Orchard, in Lincoln county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills from the Senate of the following titles, viz:

An act concerning the records and papers of Justices of the Peace.

An act for the benefit of Timothy Burgess, of Lincoln county.

Mr. McAfee having obtained leave, reported a bill to regulate the sale of slaves taken under execution, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to amend the charter of the Louisville Turnpike Road Company, and the Louisville and Elizabethtown Turnpike Company.

Which bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Conway and Pirtle were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Loving,	Slaughter,
Bailey,	Palmer,	Walker,
Chenault,	Payne,	Young—11.
Conway,	Pirtle,	

Those who voted in the negative, were—

Messrs. Boyd,	Jesup,	Sterett,
Conner,	Johnson,	Wallace,
Gilless,	McAfee,	Williams, M.
Griffith,	Newell,	Woodson—13.
James,		

An engrossed bill, entitled, an act to establish the Licking Valley Bank of Kentucky, was read the third time.

The question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and Hardin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Jesup,	Rodes,
Conner,	Loving,	Wallace,
Conway,	Morgan, D.	Walker,
Dyer,	Morgan, J. S.	Williams, M.
Garth,	Payne,	Young—16.
Gilless,		

Those who voted in the negative, were—

Messrs. Alexander,	Griffith,	Johnson,
Bailey,	Hardin,	Palmer,
Boyd,	Hughes,	Pirtle,
Chenault,	Huston,	Sterett,
Drake,	James,	Woodson—15.

Resolved, That the title of the said bill be as aforesaid.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to change the time of holding the County Courts of Morgan and Breathitt counties, and for other purposes.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, *viz*:

Gentlemen of the Senate:

I nominate for your advice and consent, Felix G. Gilbert to be Sheriff of Clay county, in the place of E. McWhorter, resigned.

Ryland T. Dillard to be Superintendent of Public Instruction, in the place of George W. Brush, resigned.

R. P. LETCHER.

March 10, 1843.

Resolved, That the Senate advise and consent to the said appointments.

A bill from the House of Representatives, entitled, an act for the benefit of the Commissioners of Tax appointed in the year 1842, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the question was taken on reading it a third time, and it was decided in the negative, and so the said bill was disagreed to.

A message was received from the House of Representatives, announcing that they had adopted a resolution rescinding the resolution to adjourn, and fixing a time for adjournment. It is as follows, *to-wit*:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the adjourning resolution which has heretofore been adopted, fixing a day for the final adjournment of the Legislature, be rescinded, and that when they adjourn on this day at 8 o'clock, P. M., they will adjourn without day.

The said resolution was amended by striking out to day at 8 o'clock, P. M., and inserting to-morrow morning at 10 o'clock.

The question being taken on concurring in the said resolution, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and Alexander, were as follows, *to-wit*:

Those who voted in the affirmative, were—

Messrs. Alexander,

Chenault,

Conner,

Conway,

Drake,

Dyer,

Garth,

Huston,

James,

Johnson,

Loving,

Morgan, D.

MARCH 10.]

JOURNAL OF THE SENATE.

401

Morgan, J. S.
Palmer,
Rodes,

Slaughter,
Wallace,
Williams, M.

Woodson,
Young—20.

Those who voted in the negative, were—

Messrs. Bailey,
Gilless,
Griffith,
Hardin,

Hughes,
McAfee,
Newell,
Payne,

Pirtle,
Sterett,
Walker—11.

After a short time a message was received from the House of Representatives, announcing that they had concurred in the said amendment.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz :

An act supplemental to an act establishing the county of Owsley.

An act to amend the execution laws.

An act providing compensation to Sheriffs and others for conveying persons of unsound mind to the Lunatic Asylum, and to provide for the examination of such persons at any time it may be necessary.

An act to regulate the terms of the Hopkins County Court, and certain other County Courts, and for other purposes.

An act for the benefit of John Leathers and wife.

An act supplemental to an act, entitled, an act to regulate the courts in the county of Johnson, and to abolish the summer term of the Circuit Court, and for other purposes.

An act for the benefit of the heirs of James Philips, deceased.

An act supplemental to an act establishing the county of Larue, and regulating the number of Justices in Hardin county, and for other purposes.

An act to amend the laws establishing and regulating the Lunatic Asylum, and for other purposes.

An act to amend an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes, approved January 17, 1840.

An act for the benefit of Somerset.

An act to extend the Constable's District in the city of Lexington and for other purposes.

An act to extend and continue in force the charters of the Old Bank of Kentucky, and the Bank of the Commonwealth of Kentucky.

An act for the benefit of William A. Garth.

An act to amend an act granting a bounty on silk cocoons, approved March 3d, 1842.

An act for the benefit of Jonah McClerg.

An act to amend the revenue laws.

An act explanatory of the law in relation to Pedlers.

An act for the benefit of Samuel Simpson, deputy Sheriff of Green county.

An act to regulate the sale of slaves taken under execution.

That they had passed a bill, entitled, an act regulating the price of public printing.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to add to the resources of the Sinking Fund, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the law establishing the Paris Fire Company, reported the same.

Mr. Payne moved to lay the said bill and amendments on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan, and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hughes,	McAfee,
Chenault,	Huston,	Payne,
Conway,	James,	Sterett,
Gilless,	Johnson,	Wallace,
Griffith,	Loving,	Woodson—16.
Hardin,		

Those who voted in the negative, were—

Messrs. Drake,	Newell,	Slaughter,
Dyer,	Palmer,	Walker—8.
Morgan, J. S.	Rodes,	

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the appropriation of money, reported the same, and the said bill was referred to a committee of the whole House on the state of the Commonwealth.

The Senate resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Walker in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Walker reported that the committee had had under consideration a bill from the House of Representatives, entitled, an act for the appropriation of money, and having gone through the same, had directed him to report the same with amendments, which he handed in at the Clerk's table.

One of the said amendments proposes to insert, in lieu of the 51st clause of said bill, which was stricken out, the following, viz:

51. To John W. Hunt, Thomas Grant and Jacob Ashton, for superintending the construction of buildings, and other improvements at the Lunatic Asylum, one hundred dollars each; and to said Hunt, Grant and Ashton, as Commissioners of said Asylum, the further sum of one hundred dollars each, for the ordinary superintendence of said Asylum.

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,	Hughes,	Pirtle,
Bennett,	Jesup,	Rodes,
Drake,	Loving,	Wallace,
Dyer,	McAfee,	Walker,
Garth,	Morgan, J. S.	Williams, M—16.
Griffith,		

Those who voted in the negative, were—

Messrs. Alexander,	Hardin,	Sterett,
Boyd,	James,	Woodson,
Conner,	Johnson,	Young—11.
Gilles,	Palmer,	

One of the said amendments proposes to strike out the 54th clause of said bill, which is as follows, viz:

54. That the Secend Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the Treasurer of this State, in favor of the School Commissioners, for the sums of money to which their counties are respectively entitled, and which are now due them for the use of Public Schools in operation in their respective counties in the years 1841 and 1842, to be paid out of any money in the Treasury not otherwise appropriated, and to be charged to the account of the school fund.

The question being taken on concurring in the said amendment, it was decided in the negative. The Senate being equally divided, the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Gilles,	Johnson,
Boyd,	Griffith,	Sterett,
Conway,	Hardin,	Walker,
Dyer,	James,	Woodson,
Garth,	Jesup,	Young—15.

Those who voted in the negative, were—

Messrs. Bailey,	Loving,	Pirtle,
Bennett,	McAfee,	Rodes,
Chenault,	Morgan, D.	Slaughter,
Drake,	Morgan, J. S.	Wallace,
Hughes,	Palmer,	Williams, M—15.

The other amendments reported from the committee were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

After some time a message was received from the House of Representatives, announcing that they had concurred in all the said amendments except the first and fourth, to which they had disagreed.

Resolved, That the Senate recede from the said amendments.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the benefit of Phineas Pomeroy, which bill was read the first time and laid on the table.

A message in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Hezekiah P. Murrell, Jonathan Hobson and John B. Helm, to constitute a Board of Commissioners for the Green and Barren river navigation, in virtue of an act to fix the tolls on the Green and Barren river navigation, and provide for its future management, approved 10th March, 1843.

R. P. LETCHER.

March 10, 1843.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Griffith read and laid on the table the following resolution, viz:

Resolved, That the Secretary of State be requested to transmit, immediately, to the County Court Clerks in the several counties of this Commonwealth, copies of the acts passed during the present session of the General Assembly, increasing the revenue of this State, and making sundry new items subject to taxation, with instructions, notifying the several Commissioners now taking the list of taxable property, of the contents of, and duties imposed upon them by said acts.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read and adopted.

After a short time a message was received from the House of Representatives, announcing that they had concurred in the said resolution.

Mr. Bennett, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the School Trustees in the town of Ghent, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the committee on the Lunatic Asylum, reported a bill to provide for the government of the Kentucky Lunatic Asylum. The said bill was laid on the table.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to a bill from the Senate, entitled, an act to add to the resources of the Sinking Fund.

That they had concurred in the report of the committee of conference on the disagreement of the two Houses, to a bill from that House, entitled, an act for the benefit of the Contractors of the public works.

Mr. J. S. Morgan moved that the Senate concur in the said report.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and M. Williams, were as follows, *viz.*:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hughes,	Slaughter,
Chenault,	Jesup,	Wallace,
Drake,	Loving,	Walker,
Dyer,	Morgan, J. S.	Williams, M.
Gillless,	Pirtle,	Woodson—17.
Griffith,	Rodes,	

Those who voted in the negative, were—

Messrs. Bailey,	Garth,	Johnson,
Boyd,	Hardin,	Palmer,
Conway,	James,	Sterett—9.

A bill from the House of Representatives, entitled, an act for the benefit of William H. Wooten, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. James, the committee on Finance was discharged from the further consideration of all the business before them.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of all the business before them.

Mr. Wallace, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for benefit of Mrs. Jones, of Scott county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act concerning certain deeds and powers of attorney in the Montgomery County Court.

An act concerning the fund bequeathed to the Harrison County Court, by the last will of Henry C. Moore, deceased.

An act to amend the law concerning executions.

An act for the benefit of the Cumberland Presbyterian Church, at Princeton.

An act for the benefit of Caroline E. M. Porter.

An act to amend an act to incorporate the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky, approved February 24, 1834.

An act to amend the law of February 23, 1842, touching the Somerset Independent Bank.

An act for the benefit of Daniel Stovall and Isham Thomas.

An act to divorce Frederica Louisa Schuessler.

An act to amend the law concerning the distribution of the public law books.

An act regulating the toll of grist mills in Trigg and Caldwell counties.

An act authorizing the County Court of Morgan county to change the State road leading from Mountsterling to Prestonsburg, within the county of Morgan.

An act to change the place of voting in Black's precinct, in Boone county.

An act for the benefit of the Paymaster of the 115th Regiment of Kentucky Militia, and for other purposes.

An act for the relief of Woodson Denham and Lethe, his wife.

An act for the benefit of the Trustees of the Catholic Church in Taylorsville.

An act for the benefit of the Jailers of this Commonwealth.

An act concerning the collection of the revenue.

An act supplemental to an act regulating the time of holding Justices' courts.

An act to incorporate the Frankfort and Lee's Branch turnpike road company.

An act concerning executions.

An act in relation to a grant of water power to the Government of the United States, by the State of Kentucky.

An act to establish two election precincts in the county of Whitley.

An act for the benefit of John J. Marshall and W. W. Clack, and for other purposes.

An act to amend the law in relation to Internal Improvements in Calloway and Graves counties.

An act concerning certain law books.

An act for the benefit of the Presbyterian Church in the town of Henderson.

An act to fix the tolls on the Green and Barren river navigation, and provide for its future management.

An act to amend the law regulating the fire company of Shelbyville.

An act to amend an act, entitled, an act for the relief of the widow and heirs of Robert S. Samuel.

An act authorizing the Second Auditor to have the land sold that may be forfeited to the Commonwealth of Kentucky for the non-payment of taxes, interest and costs due thereon.

An act concerning writings in foreign languages.

An act further to amend the law authorizing the sale of infants' real estate, and slaves.

An act to ratify the marriage of John Leathers and wife.

An act supplemental to an act to enlarge the town of Owenborough, and for other purposes.

An act to amend the law establishing Common Schools in this Commonwealth.

An act to change the time of holding the County Courts of Morgan and Breathitt counties, and for other purposes.

An act for the benefit of Somerset.

An act to extend the Constable's District of the city of Lexington, and for other purposes.

An act to extend and continue in force the charters of the Old Bank of Kentucky, and the Bank of the Commonwealth of Kentucky.

An act providing compensation to Sheriffs and others for carrying persons of unsound mind to the Lunatic Asylum, and to provide for the examination of such persons at any time it may be necessary.

An act for the benefit of John Leathers and wife.

An act supplemental to an act establishing the county of Larue, and regulating the number of Justices in Hardin county, and for other purposes.

An act to regulate the sale of slaves taken under execution.

An act for the benefit of Josiah McClurg.

An act for the benefit of William A. Garth.

An act to amend the revenue laws.

An act supplemental to the act establishing the county of Owsley.

An act concerning the records and papers of Justices of the Peace, and to reduce the number of Justices of the Peace in Green county.

An act to amend an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes, approved 17th January, 1840.

An act supplemental to an act, entitled, an act to regulate the courts in the county of Johnson, and to abolish the summer term of the Circuit Court, and for other purposes.

An act for the benefit of Timothy Burgess, of Lincoln county, and others.

An act to incorporate the Kentucky Oyster Company.

An act for the benefit of the children of Reuben Graves, dec'd.

An act to amend the law concerning Sheriffs and Constables.

An act concerning the records in the Jefferson County Court office.

An act better to establish the Fire Department of the city of Louisville.

An act to amend the jury laws.

An act to amend the law concerning persons of unsound mind.

An act for the benefit of the heirs of James Philips, deceased.

An act to amend the laws establishing and regulating the Lunatic Asylum, and for other puaposes.

An act to regulate the terms of the Hopkins County Court, and certain other County Courts, and for other purposes.

An act to amend the execution laws.

An act to amend an act granting a bounty on silk cocoons, approved March 3d, 1842.

An act explanatory of the law in relation to Pedlers.

An act for the benefit of Samuel Sympson, deputy Sheriff of Green county.

And enrolled bills and a resolution which originated in the House of Representatives of the following titles, viz:

An act to reduce the salaries of certain officers of this Commonwealth.

An act to repeal all acts declaring Floyd's Fork a navigable stream.

An act for the benefit of the Common Schools in Wayne county, and for other purposes.

An act for the relief of James and Robert Fish.

An act for the benefit of Thomas Summers, Silas Gray and W. W. Summers.

MARCH 10.]

JOURNAL OF THE SENATE.

409

An act for the benefit of Caleb T. Worley and his securities.

An act to legalize the settlement of the Court of Assessment of the 20th Regiment of Kentucky Militia.

An act for the benefit of Lewis H. Chrisman and his securities.

An act for the benefit of the heirs of Solomon Baker, and others.

An act to repeal an act, entitled, an act to establish the State road from Liberty, in Casey county, to Albany, in Clinton county.

An act regulating the time of holding Justices' courts.

An act for the benefit of Lois Smallwood.

An act to authorize the several County Courts of this State to appoint Inspectors of beef, pork and lard.

An act for the benefit of Samuel Todd.

An act for the benefit of Merida Collins.

An act for the benefit of Benjamin Webb, and his securities.

An act for the benefit of Thomas Dodson and Samuel Richeson.

An act granting further time to the County Courts of this Commonwealth to procure sets of weights and measures.

An act for the benefit of the Sheriff of Anderson county.

An act to divorce William Hamilton and Dorcas Haydon.

An act to amend an act to establish a road from the mouth of Laurel to Bates' Salt Works.

An act for the benefit of Garland Bullock and his securities.

An act incorporating the Henderson Hotel and Warehouse Company.

An act divorcing sundry persons of this Commonwealth.

An act to extend the bounds of the town of Dover, in Mason county, and for other purposes.

An act to amend the revenue laws.

Also a resolution in relation to cancelling six year State bonds.

The said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. J. S. Morgan read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky,
That the Board of Internal Improvement be instructed to enquire into all claims that may be presented to their consideration by the Contractors upon the respective rivers and roads within this Commonwealth, or by any of the turnpike road companies, and by any and all other persons having claims against the State, of whatever character and description the said claims may be, growing out of the internal improvement system; and that said Board report thereupon to the next Legislature, together with the views and opinions of said Board upon the justice and validity of said claims respectively.

The rule of the Senate being dispensed with, the said resolution was taken up and adopted.

A bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to incorporate the town of Independence, in the county of Kenton, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The committee on Religion was discharged from all the business before them.

Mr. Woodson, from the committee on Finance, reported a bill for the benefit of Frances S. Bledsoe, which was read the first time and laid on the table.

And then the Senate adjourned.

SATURDAY, MARCH 11, 1843.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution from the Senate concerning the claims of Contractors on the public works.

Mr. Alexander, from the committee on Enrollments, reported that the committee had examined enrolled resolutions which originated in the Senate, to-wit:

A resolution relative to new items of taxation.

A resolution concerning the claims of Contractors on the public works.

And enrolled bills which originated in the House of Representatives of the following titles, viz:

An act for the benefit of Greenberry Camplin and Hiram Kendly.

An act to amend the penal laws of this Commonwealth.

An act for the benefit of Mrs. Jones, of Scott county.

An act to repeal the fourth section of an act, entitled, an act to provide for the improvement of the road from Franklin county to Crab Orchard, in Lincoln county.

An act for the benefit of the Contractors on the public works.

An act to add to the resources of the Sinking Fund.

An act for the benefit of William H. Wooten.

An act to incorporate the School Trustees in the town of Ghent, and for other purposes.

An act to amend an act, entitled, an act to incorporate the town of Independence, in the county of Kenton.

An act to amend the charter of the Louisville turnpike road company, and the Louisville and Elizabethtown turnpike company.

An act for the appropriation of money.

And had found the same truly enrolled.

The Speaker of the House of Representatives having signed the said resolutions and bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

A message was received from the House of Representatives, by Mr. Todd, announcing that they had finished the legalative business before them, and are now ready to adjourn; and that they had appointed a committee, on their part, to wait on the Governor.

On the motion of Mr. M. Williams, a message was sent to the House of Representatives, to inform them that the Senate had finished the legislative business before them, and are now ready to adjourn without day.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills and memorial and resolutions which originated in the Senate of the following titles, to-wit:

An act to amend the charters of the Banks of Kentucky.

Approved March 8, 1843.

An act for the benefit of Eunice A. Thomson and Elvira Thomson.

An act concerning the mileage of the members of the General Assembly.

An act to amend an act, entitled, an act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion, and for other purposes.

An act to amend the law respecting the Lexington and Ohio Railroad.

An act to incorporate the Western Coal Company.

An act to incorporate the Trustees of the Hawesville Seminary.

An act for the benefit of George R. H. Clark, and the heirs of Wm. P. Clark, dec'd.

An act directing an enquiry concerning certain grants of land to Jacob Lewis.

An act to legalize the proceedings of the Crittenden Circuit Court, and for other purposes.

An act concerning the vacancy in the office of Sheriff in Clay county.

An act for the benefit of Nicholas Jones.

An act for the benefit of the Trigg county Seminary.

An act to amend the law of Landlord and Tenant.

An act to regulate the courts in the county of Johnson, and to abolish the summer term of the Circuit Courts, and for other purposes.

An act to legalize the proceedings of the Knox County Court at their April and May terms, 1840.

An act to divide the State into Congressional Districts.

An act to improve the roads leading to and from the town of Florence, in the county of Boone.

An act to repeal the act allowing the Owingsville and Big Sandy turnpike road company to erect a gate on said road, and for other purposes.

An act for the benefit of Joseph Barbour.

An act for the benefit of John W. Finnell and his securities.

A memorial and resolution respecting Christopher Miller.

Approved March 9, 1843.

An act for the benefit of John J. Marshall and W. W. Clack, and for other purposes.

An act to amend the law in relation to Internal Improvements in Calloway and Graves counties.

An act to establish two election precincts in the county of Whitley, and for other purposes.

An act for the benefit of the Cumberland Presbyterian Church, at Princeton.

An act for the benefit of Caroline E. M. Porter.

An act for the benefit of the Presbyterian Church in the town of Henderson.

An act concerning the fund bequeathed to the Harrison County Court, by the last will of Henry C. Moore, deceased.

An act to amend an act to incorporate the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky, approved February 24, 1834.

An act to amend the law of February 23, 1842, touching the Somerset Independent Bank.

An act to incorporate the Frankfort and Lee's Branch turnpike road company.

An act for the relief of Woodson Denham and Lethe, his wife.

An act for the benefit of the Paymaster of the 115th Regiment of Kentucky Militia, and for other purposes.

An act to amend the law concerning executions.

An act to amend the law concerning the distribution of the public law books.

An act regulating the toll of grist mills in Trigg and Caldwell counties.

An act concerning certain deeds and powers of attorney in the Montgomery County Court.

An act concerning certain law books.

An act in relation to a grant of water power to the Government of the United States, by the State of Kentucky.

An act concerning executions.

An act to divorce Frederica Louisa Schuessler.

An act authorizing the County Court of Morgan county to change the State road leading from Mountsterling to Prestonsburg, within the county of Morgan.

An act to change the place of voting in Black's precinct, in Boone county.

An act for the benefit of the Jailers of this Commonwealth.

An act for the benefit of the Trustees of the Catholic Church in Taylorsville.

An act supplemental to an act regulating the time of holding Justices' courts.

An act concerning the collection of the revenue.

An act to fix the tolls on the Green and Barren river navigation, and provide for its future management.

An act authorizing the Second Auditor to have the land sold that may be forfeited to the Commonwealth of Kentucky for the non-payment of taxes, interest and costs due thereon.

An act to ratify the marriage of John Leathers and wife.

An act supplemental to an act to enlarge the town of Owenborough, and for other purposes.

An act further to amend the law authorizing the sale of infants' real estate, and slaves.

An act concerning writings in foreign languages.

An act to amend an act, entitled, an act for the relief of the widow and heirs of Robert S. Samuel.

An act to amend the law regulating the fire company of Shelbyville.

An act to incorporate the Kentucky Oyster Company.

An act to regulate the terms of the Hopkins County Court, and certain other County Courts, and for other purposes.

An act for the benefit of the children of Reuben Graves, dec'd.

An act to amend the law concerning Sheriffs and Constables.

An act concerning the records in the Jefferson County Court office.

An act better to establish the Fire Department of the city of Louisville.

An act to amend the jury laws.

An act to amend the law concerning persons of unsound mind.

An act to amend the execution laws.

An act to amend the laws establishing the Lunatic Asylum, and for other puosposes.

An act to amend an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes, approved 17th January, 1840.

An act to amend the law establishing Common Schools in this Commonwealth.

An act for the benefit of the heirs of James Philips, deceased.

An act supplemental to an act, entitled, an act to regulate the courts in the county of Johnson, and to abolish the summer term of the Circuit Court, and for other purposes, approved 9th March, 1843.

An act supplemental to the act establishing the county of Owsley.

An act concerning the records and papers of Justices of the Peace, and to reduce the number of Justices of the Peace in Green county.

An act to amend an act granting a bounty on silk cocoons, approved March 3d, 1842.

An act explanatory of the law in relation to Pedlers.

An act for the benefit of Samuel Sympson, deputy Sheriff of Green county.

An act for the benefit of William A. Garth.

An act to amend the revenue laws.

An act supplemental to an act establishing the county of Larue, and regulating the number of Justices in Hardin county, and for other purposes.

An act to change the time of holding the County Courts of Morgan and Breathitt counties, and for other purposes.

An act for the benefit of Somerset.

An act to extend the Constable's District of the city of Louisville, and for other purposes.

An act to extend and continue in force the charters of the Old Bank of Kentucky, and the Bank of the Commonwealth of Kentucky.

An act providing compensation to Sheriffs and others for carrying persons of unsound mind to the Lunatic Asylum, and to provide for the examination of such persons at any time it may be necessary.

An act to regulate the sale of slaves taken under execution.

Approved March 10, 1843.

An act for the benefit of Timothy Burgess, of Lincoln county, and others.

A resolution relative to new items of taxation.

A resolution concerning the claims of Contractors on the public works.

Approved March 11, 1843.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

- An act incorporating the Henderson Hotel and Warehouse Company.
- An act for the benefit of Benjamin Webb, and his securities.
- An act for the benefit of Thomas Dodson and Samuel Richeson.
- An act for the benefit of Samuel Todd.
- An act for the benefit of Merida Collins.
- An act for the benefit of Garland Bullock, and his securities.
- An act to amend an act to establish a road from the mouth of Laurel to Bates' Salt Works.
- An act to amend the revenue laws.
- An act divorcing sundry persons of this Commonwealth.
- An act to extend the bounds of the town of Dover, in Mason county, and for other purposes.
- An act to divorce William Hamilton and Dorcas Haydon.
- An act for the benefit of the Sheriff of Anderson county.
- An act for the relief of James and Robert Fish.
- An act for the benefit of Thomas Simmons, Silas Gray and W. W. Simmons.
- An act to repeal all acts declaring Floyd's Fork a navigable stream.
- An act for the benefit of Lewis H. Chrisman, and his securities.
- An act to legalize the settlement of the court of Assessment of the 20th Regiment of Kentucky Militia.
- An act for the benefit of the Common Schools in Wayne county, and for other purposes.
- An act for the benefit of the heirs of Solomon Baker and others.
- An act to repeal an act, entitled, an act to establish a State road from Liberty, in Casey county, to Albany, in Clinton county.
- An act for the benefit of Caleb T. Worley, and his securities.
- An act to authorize the several County Courts of this State to appoint Inspectors of beef, pork and lard.
- An act for the benefit of Lois Smallwood.
- An act for the benefit of the Common Schools in the county of Graves.
- An act regulating the time of holding Justices' courts.
- An act giving further time to the County Courts of this Commonwealth to procure sets of weights and measures.
- An act to reduce the salaries of certain officers of this Commonwealth.
- A resolution in relation to cancelling six year State bonds.

Approved March 10, 1843.

An act for the benefit of Mrs. Jones, of Scott county.

An act to repeal the fourth section of an act, entitled, an act to provide for the improvement of the road from Franklin county to Crab Orchard, in Lincoln county.

An act to amend the charter of the Louisville turnpike road company, and Louirville and Elizabethtown turnpike company.

An act to amend the act, entitled, an act to incorporate the town of Independence, in the county of Kenton.

An act to amend the penal laws of this Commonwealth.

An act to add to the resources of the Sinking Fund.

An act for the benefit of William H. Wooten.

An act to incorporate School Trustees in the town of Ghent, and for other purposes.

An act for the appropriation of money.

An act for the benefit of the Contractors of the public works.

Approved March 11, 1843.

Messrs. Rodes, Sterett and Woodson were appointed a committee, on the part of the Senate, to wait upon the Governor and inform him that the General Assembly have finished the legislative business before them, and to know if he has any further communication to make to them.

The committee, on the part of the Senate then retired, and after a short time returned, when Mr. Rodes reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he had no further communication to make.

Mr. James being in the Chair, Mr. Huston moved the following resolution:

Resolved, That the thanks of the Senate be tendered to the Hon. Manlius V. Thomson, for the able, dignified and impartial manner in which he has discharged the duties of the Speaker of the Senate during the present session.

Which was twice read and unanimously adopted.

The Speaker having resumed the Chair, delivered an appropriate valedictory address, and adjourned the Senate without day.

INDEX

TO THE

JOURNAL OF THE SENATE

THE FIGURES REFER TO THE PAGES.

Acts, a resolution to print lists, &c. of Adair county—see Justices.	376
Adair and Barren counties, an act to change the line between	216, 230,
	234, 240, 269, 274
Adjournment, a resolution for —see Recess.	97, 260, 280, 307, 400
Agriculture, committee on appointed Essay of Judge Beatty on, and the report of the committee thereon	23 396, and Documents.
Allen, James, an act for the benefit of	196, 206, 231, 239
Allen, Sarah K., petition of a bill for the benefit of	112, 134 139, 327, 341, 348
Allen, William K. and wife, act for the benefit of	266, 292, 327, 356, 365
Allen, Thomas, a bill for the benefit of act for the benefit of	62 122, 130, 145, 168, 185, 217, 269, 274
Anderson county—see Justices, Sheriffs.	
Anderson, John W., an act for the benefit of heirs of	396
Appropriation of money—see Money.	
Armory of U. S., message of Governor respecting a bill to grant water power for	290 253
Arms—see Bonds for.	
Armstrong, James H., an act for the benefit of	144, 151, 153, 166
Attachments, a bill to amend the law in relation to	22, 86, 133, 274, 277
Attorneys for Commonwealth nominated	32, 166, 363
Auditor, First, annual report of	28, and Documents
Auditor, Second, annual report of	21, and Documents
	3
	Governor's message concerning referred
	30
	a bill to establish the office of
	37, 51, 55, 67, 85, 122, 132, 374, 277
	nominated
Aulsebrook, John—see Taylor, T. C.	277

- Baker, Solomon, heirs of, and others, an act for the benefit of 371, 390, 409, 415
 Ballard county, an act to legalize the location of the seat of Justice of 39, 50, 52, 103, 111
 Banks, committee on appointed 23—added to 80
 report of committee on, as to the removal of the seat of Government 173
 report of 210, and Documents. 95
 resolutions concerning their affording a circulating medium 210, 234, 241
 of Kentucky, a bill for the benefit of 210, 234, 241
 a bill to amend the charter of 323, 355, 360, 363, 365, 381, 411
 Bank, Citizens', a bill to establish 66
 of the Commonwealth, report of the President of 76
 President and Directors of, elected 296
 a bill to extend the charter of 367, 401, 407, 414
 Bank of Louisville, monthly statements of 137
 a bill to amend the charter of 210, 234, 241, 268, 269, 273, 278, 308, 314, 322
 —see Banks of Kentucky.
 Bank of Kentucky, monthly statements of 137
 Directors of, nominated 392
 Bank of Kentucky, (old,) report of Agent of 155
 a bill to extend the charter of 367, 401, 407, 414
 Bank, Licking Valley, at Covington, a bill to establish 342, 354, 360, 364, 366, 385, 399
 Bank, Northern, of Kentucky, monthly statements of 137
 Directors nominated 392
 Bank, Safety Fund, remonstrance against 212
 Bank of Somerset, a bill to amend the law concerning 112, 206, 394, 406
 Bank of Versailles, a bill concerning 112, 123, 265, 271, 276
 Baptist Church in Danville, an act to authorize to convey land 68, 133, 158, 168
 at Hopkinsville, an act to incorporate 50, 54, 93, 118, 126
 at Walton's creek, an act for the benefit of 147, 153, 168, 184, 196
 Barbour, Joseph, a bill for the benefit of 80, 86, 109, 381, 391, 412
 Bardstown, Police Judge of, nominated 32
 —see Towns.
 Barnett, Andrew, petition of 122
 a bill to authorize a ferry at his ford 157, 185
 Barren county—see Sheriff's.
 an act to appoint a county Treasurer for 226, 240, 335, 364, 383
 Bath county, a bill for the benefit of the citizens of 30
 Beatty, Henry O., an act for the benefit of 227, 259, 281, 303
 Beatty, Judge—see Agriculture.
 Bedford—see Towns.
 Beech Grove Meeting House, &c., an act to incorporate Trustees of 105, 140, 146

- Beef, &c.—see Inspectors.
Bell, Joshua F., nominated Commonwealth's Attorney 166
Bell, Robert, an act for the benefit of the heirs of 275, 311, 342, 355
Bernard, W., resolution to deliver lecture on Education 195
Bevel, Milly, petition of 270, 373
Blackwell, Robert, an act for the benefit of 39, 57, 67, 103, 111
Bledsoe, Frances S., a bill for the benefit of 410
Bonds of the State 18—interest on 35
 six years cancelled 55, and Documents 28
 resolutions concerning interest on, &c. 306, 353
 resolution in relation to cancelling six years
 bonds 384, 409, 415
Bonds for public arms, a bill to revive the act for the benefit of persons
 who have given 260, 280, 306, 341, 349
Books—see Public Books, Law Books.
Boone county—see Sheriffs, Clerks of, Election Precincts.
Boone County Court, a bill for the benefit of 251
Bowlinggreen—see Towns.
 Police Judge nominated 129
Boyd, Robert, petition of 85
Boyle Circuit and County Courts, an act to change the time of holding 152,
 161, 189
Boyle county, an act to amend an act establishing 196
Breathitt county—see Sheriffs—see Morgan county.
 a bill making appropriation for 81, 114
Breckinridge county—see Election Precincts, Sheriffs.
Brown, Harrison, an act for the benefit of 93, 120, 167, 184, 196
Browning, Henry, an act allowing a change of venue 152, 169, 184, 196
Buckner, R. C. jr., nominated Circuit Judge 332
Buildings—see Public Buildings.
Bullitt county—see Sheriffs.
Bullock, Garland, an act for the benefit of 345, 368, 409, 415
Burgess, Timothy, petition of 254
 a bill for the benefit of 268, 396, 398, 408, 414
Burksville—see Towns.
Burrus, Thomas, an act for the benefit of the widow and heirs of 226, 229
Burton, Thomas S., petition of 112
 a bill for the benefit of 123, 147, 167, 171, 269, 274
Caldwell county—see Mills.
Caldwell, Isaac W., an act giving a change of venue 126, 248, 326, 342,
 355
Calloway county—see Justices.
 Seminary lands of, a bill to authorize the sale of 139,
 144, 182, 231, 233
 a bill in relation to Internal Improvement in 154, 162,
 186, 382, 388, 407
 an act to remove the seat of justice of 252, 268, 281, 303
Campbell and Pendleton, an act to re-mark the line between 38, 43, 58, 63
 —see Election Precincts, Sheriffs.

- Camplin, Greenberry, petition of 320, 345
 a bill for the benefit of 328, 344
 an act for the benefit of 396, 397, 410
- Carlisle—see Towns.
- Carpenter, Deborah, and Craig, Rachel B., a bill for the benefit of 124, 144, 335, 365, 371
- Carroll county—see Sheriffs.
- Carter county—see Sheriffs.
- Carter, Robt. G.—see Oysters.
- Casey county—see Sheriffs, Constable, Justices.
 an act to attach part of, to Lincoln 193, 204, 206, 231, 239
- Catholic Church at Taylorsville, a bill for the benefit of 206, 394, 406, 413
- Candle, John, an act for the benefit of 68, 204
 remonstrance against 169
- Cave, John, administrators and widow of, petition of 266, 305
- Chamberlin, Deborah, petition of 31
 a bill for the benefit of 175, 327, 341, 348
- Chancellor of Louisville, a bill to regulate his salary 52, 66, 110
- Cheats and fraudulent personations of others, a bill to punish 47, 49, 51, 151, 167, 172
- Chinn, Mary L., an act to divorce 383
- Chrisman, Lewis H., &c., an act for the benefit of 383, 409, 415
- Circuit Courts, an act to abolish the summer terms of 384, 391, 412
 a bill supplemental thereto 397, 401, 408, 414
 a bill to regulate terms of certain 22, 37, 69, 102, 347
 a bill to regulate certain districts of 24
 a bill to regulate, in the 13th district 139
 in the 15th district 226, 347, 381, 395
 an act to change the terms of, in 14th district 232, 259, 326, 356, 365
- 7th and 16th districts, act to amend the laws establishing 243, 260, 266, 281, 303
 —see Hopkins, Simpson, Wayne, Hardin, Owsley, Hopkins and Henderson, Johnson.
- Judge of, R. C. Buckner nominated 332
- a bill to regulate the terms of Bourbon, Nicholas, Estill, &c. 347, 355, 364, 383
- Civil proceedings, an act to amend the law concerning 362
- Clack, W. W., a bill for the benefit of 234, 382, 388, 407,
- Clark G. R. H., &c., petition of 266
 a bill for the benefit of 291, 382, 391, 411
- Clay county, an act to attach part of, to Perry, 39, 50, 58, 63
 —see Sheriffs.
- Clark, Mary, an act for the benefit of 336, 354
- Clerks, a bill defining duties of 139
 a petition to prevent practising law in their counties 254, 327, 339
- Clerk Boone County Court, a bill for the benefit of 130, 135
- Clinton county—see Sheriffs, Cumberland.
- Clinton, Fayette, an act to change his name 305, 308, 310, 313
- Coal company—see Western Coal Company.
- Cocke, Wm. A.—see Louisville Chancery Court.

- , 345
 , 344
 , 410
 144,
 , 371
 , 239
 , 413
 , 204
 169
 , 305
 31
 , 348
 , 110
 , 151
 , 172
 383
 , 415
 , 412
 , 414
 , 347
 24
 139
 , 395
 326,
 , 365
 , 303
 332
 , 383
 , 362
 , 407,
 266
 , 411
 8, 63
 , 354
 139
 , 339
 , 135
 , 313
 Coleman, Wm. M., an act for the benefit of College—see Teachers, Shelby. 50, 70, 103, 111
 Collins, Merida, an act for the benefit of Columbus—see towns. 336, 367, 388, 409, 415
 Commissioners of Tax—see Tax.
 Committees, standing, appointed
 Commonwealth's Attorneys nominated 23 ✓ 32, 166, 363
 Congress, act of, apportioning representatives among the States 21
 Congressional Districts, message of the Governor concerning, referred 24
 a bill to divide the State into 24, 86, 110, 192, 210, 213, 228, 231, 235, 261, 382, 388, 391, 412
 Mr. Hardin added to committee on 52
 a resolution for the Secretary of State to report
 the federal numbers in each county 37
 report 44
 Conner, William, took his seat 7
 Constables—see Sheriffs, Extortion, &c.
 a bill to amend the law concerning 55, 86, 133, 145, 151, 202
 an act to allow additional, to certain counties, &c., 147, 213, 231, 239
 an act allowing same 226, 269, 274
 a bill to regulate fees of 154
 an act concerning the appointment of 274, 311, 342, 355
 Constables—acts, &c., concerning—
 in Casey, 304, 312, 342, 355
 in Fayette 218, 227, 401, 407, 414
 in Harrison 27, 43, 93, 106, 114
 in Henry 39, 50, 51, 67, 93, 119, 126
 in Hickman 24, 36, 93, 102, 119, 129
 in Logan 147
 in Mercer 68, 85, 109, 139, 167, 185, 252, 281, 303
 in Nicholas 152, 157, 183, 196, 275, 305
 in Oldham 197, 206, 231, 239
 in Trimble 105, 113, 140, 146
 Contractors—see Internal Improvements.
 Conway, William, took his seat 58
 Cook, James W., an act for the benefit of 56, 61, 102, 111
 Coons, James, heirs, an act for the benefit of 80, 113, 140, 146
 Cooper, Archibald H., and Eliza, an act for the benefit of 38, 42, 57, 63
 Coroners, an act to amend the law relative to 105, 113, 167, 184, 196
 an act to define the duties of 152, 156, 186, 189, 326, 356, 366
 Corum, William, an act for the benefit of 68, 77, 103, 111
 Covington—see Towns.
 Coulter, Mark A., petition of 193
 a bill for the benefit of 198, 327, 341, 348
 County Courts—see Morgan and Breathitt, Jefferson, Wayne, Fayette, Boone, Hopkins, Knox, Letcher.
 —see Weights and Measures, Hopkins and Henderson.
 Courts—See Circuit Courts, Magistrates' Courts, Justices' Courts, Johnson county, and County Courts.
 in Henry, Oldham and Trimble, a bill to establish 185, 198

- | | |
|---|-------------------------------|
| Cox, James and Jane, an act for the benefit of | 226, 229, 326, 356, 366 |
| Craig, Rachael B.—see Carpenter, Deborah. | |
| Crawford, William, an act for the benefit of | 345, 357, 381, 395 |
| Crittenden county—see Justices. | |
| Circuit Court, a bill to legalize proceedings of | 261, 305, |
| | 382, 391, 412 |
| Cruce, Jas. W., Jr., an act for the benefit of | 68, 79, 103, 111 |
| Cumberland and Clinton counties, an act to legalize votes given in 1842 | 144, |
| Cumberland, a petition to have records of County Court transcribed, | 161, 326, 356, 365 |
| a bill for that purpose | 168 |
| Cumberland Hospital, annual report of | 118, and Documents. |
| Trustees nominated | 129 |
| Cumberland Presbyterian Church at Princeton, petition of | 189 |
| a bill for the benefit of | 194, 264, 394, 406 |
| Cummings, Samuel, an act for the benefit of his heirs | 229, 248 |
| Curd, E. H., petition of | 56, 78 |
| Davidson, Emily, petition of | 112, 134 |
| a bill for the benefit of | 134, 327, 341, 348 |
| Daviess county—see Sheriffs, Justices. | |
| Davis, Mary, petition of | 266 |
| a bill for the benefit of | 273, 327, 341, 349 |
| Dawson, Frances, petition of | 207 |
| a bill for the benefit of | 260, 327, 341, 348 |
| Deaf and Dumb Asylum, report of | 64, and Documents |
| Dean, Job, petition of | 227 |
| Debt of the State, statement of | 60 |
| Debtors—see Mortgages, Process. | 18 |
| De Courcy, William, an act for the benefit of | 345, 358 |
| Deeds, &c., an act for the appointment of Commissioners to take ac- | |
| knowledgegment of, out of the State | 64, 69, 93, 118, 126 |
| Commissioners nominated | 392 |
| —see Montgomery County Court. | |
| Denham, Woodson, petition of | 270 |
| a bill for the benefit of, and wife | 291, 382, 406 |
| Depositions, a bill concerning the taking of | 218 |
| Desha, Joseph, resolution to erect a tomb over his grave | 60, 103, 111 |
| Deutelmoser, L. D., permitted to report the proceedings of the Senate | 72 |
| Dixon, Wm. E., a bill for the benefit of | 110, 130, 134 |
| Divorces, resolutions concerning | 27, 34 |
| a bill to amend an act regulating | 107, 122, 130, 131, 274, 307, |
| | 312, 341, 349 |
| an act divorcing sundry persons | 152, 190, 326, 356, 366 |
| an act divorcing sundry persons in this Commonwealth | 320, 374, |
| | 389, 409, 415 |
| Dodson, Thos., and Samuel Richeson, a bill for the benefit of | 328, 409, 415 |
| Dover—see Towns. | |
| Drapier, A. E., permitted to sit in the Senate chamber to report proceed- | |
| ings | 8 |
| Driskell, Samuel, petition of | 36, 50 |

- 6, 366
 1, 395
 , 305, 1, 412
 3, 111
 2 144,
 3, 365
 168
 1, 277
 129
 189
 4, 406
 9, 248
 56, 78
 2, 134
 , 348
 266
 , 349
 207
 , 348
 227
 60
 18
 , 358
 , 126
 392
 270
 , 406
 218
 , 111
 72
 134
 7, 34
 307,
 349
 366
 374,
 415
 415
 8
 50
- Duelling, an act to amend acts to prohibit 38, 43, 58, 63
 Dunn, Thomas D., petition of 232, 386
 Durmitt, William, an act granting a change of venue 144, 147, 158, 168
 Easten, Eliza Y., &c., an act for the benefit of 226, 229, 269, 274
 Eastin, Henry J., a bill for the benefit of 182
 Education, committee on, appointed 23
 Edwards, Cyrus, infant children of, a bill for the benefit of 110, 114, 265, 271, 277, 306
 Election Precincts—acts, &c., concerning—
 in Boone 266, 291, 382, 406, 413
 in Breckinridge 27, 61, 144, 145, 167, 171
 in Campbell 38, 61, 102, 111
 in Graves 117, 133, 158, 168
 in Greenup 121, 144, 216, 228, 271, 276
 in Harlan 40, 61, 67, 93, 118, 126
 in Jefferson 117, 133, 158, 168
 in Letcher 144, 153, 183, 195
 in Mason 147, 161, 184, 196
 in Monroe 216, 239, 269, 274
 in Montgomery 217, 239, 281, 303
 in Morgan 122, 134, 168, 184, 196
 in Pike 68, 79, 103, 111
 in Trimble 60, 64, 103, 111
 in Whitley 278, 292, 382, 389, 407
 Elgin, H. S., petition of 275
 Elkton—see Towns.
 English language—see Writings in—
 Enrollments, committee on, appointed 23—added to 398
 Episcopal Church, Theological Seminary of, act to amend an act to incorporate 234, 235, 394, 406
 Estates of persons dying without heirs, &c., a bill to amend the law to vest in the Commonwealth 292, 321, 401, 408, 414
 Estill county—see Sheriffs, Circuit Courts.
 Seminary, act for the benefit 152, 176, 326, 356, 366
 Evans, Arena W., petition of 160
 a bill for the benefit of 175, 327, 341, 348
 Evans, Elijah, an act for the benefit of 336, 358, 381, 395
 Evans, Joshua, an act for the benefit of his heirs 147, 153, 168, 184, 196
 Evers, James B., an act for the benefit of his heirs 152, 156
 Executions, resolution concerning sales of property under 95
 a bill to regulate the issue and return of 261
 a bill to enforce the return of 181, 189
 Execution, an act exempting certain property from 80, 113, 140, 146
 a bill exempting certain property from 113
 a bill to exempt certain real estate from 124
 an act to amend the law exempting property from 252, 336
 Execution laws, resolution concerning 34
 —see Lands.
 of this State, a bill to amend 52
 an act to amend 138, 152, 185, 219

- Execution laws, remonstrance against 212
 of this Commonwealth, a bill to amend 234, 242
 a bill to amend the law concerning 267, 335, 342, 393, 407,
 413
 a bill to amend 344, 378, 386, 401, 406, 408, 413, 414
 —see slaves under execution.
- Executive affairs, committee on, appointed 23
- Executors and Administrators, a bill extending the time of bringing suits
 against 112, 138
- Extortion—see Usury.
- Extortion and oppression by Sheriffs and Constables, a bill to prevent 361,
 362, 370
- Falmouth, an act to authorize a Seminary in 147, 157, 326, 356, 366
- Fayette county—see Sheriffs, Constables.
- Fayette County Court, a bill to authorize the, to pay for an addition to
 the Clerk's office 207, 218, 280, 311, 313
- Federal relations, committee on appointed 23
- Ferries, a resolution to enquire as taxing 188
- Field, E. H., a bill for the benefit of 218
- Finance, committee on, appointed 23—discharged from all the business
 before them 405
- Fines, &c., Governor's message relative to, referred 30
- Finnell, John W., petition of 77
 a bill for the benefit of 162, 381, 391, 412
- Fire Company—see Shelbyville, Lexington, Louisville, Paris.
- Fireman's Insurance Company of Louisville, petition of 118
 a bill to amend the charter of 138, 265, 306, 341, 348
- Fish, James and Robert, an act for the benefit of 383, 408, 415
- Fleming county, a bill for the benefit of the citizens of 30
- Carter, Lewis and Morgan, petition for a new county
 out of 212, 217, 268, 271
- Florence—see Roads.
- Floyd county—see Sheriffs, see Johnson county, Surveyors.
- Floyd's Fork, an act to repeal the law declaring it navigable 383, 408, 415
- Ford, Richard S., &c., petition of 280
- Frankfort—see Towns.
- Free children of color, an act to amend an act for binding out 112, 123, 168,
 184, 196
- Fugate, Lewis—see Jett, Sanford.
- Fugate, Martin, an act for the benefit of 56, 66, 103, 111
 Fulton, a bill to establish the county of 230
- Gaines, Thomas, petition of 270
- Gallion, James K., an act for the benefit of 105, 120, 140, 146
- Garrard county—see Justices.
- Garth, William A., a bill for the benefit of 363, 401, 408, 414
- General Assembly, a bill to change the time of meeting of 218, 227, 264, 267
 a resolution concerning mileage of members of 261
 a bill concerning do. 294, 304, 382, 391, 411
- Georgia, resolutions of State of 163

INDEX. 425

- German Benevolent Society of Louisville, an act incorporating 152, 156, 184,
196
Ghent—see Towns, Schools.
Gilless, Joseph, took his seat 182
Gilpin, Joseph, petition of 31
 a bill for the benefit of 144, 335
Glasgow—see Towns.
Goodloe, Thomas W., &c., a bill for the benefit of 258
Goodwin, Grandison C., petition of 23
 a bill to divorce 58, 72, 327, 341, 349
Goose, William—see Murray, D. D.
Gore, Thomas, a bill for the benefit of 22, 58, 143
Governor, annual message of 8—referred 30
 message of, concerning a United States' Armory 290
Grant county—see Sheriffs.
 a bill to attach part of, to Gallatin 330
Graves county—see Election Precincts, Sheriffs, Schools.
Graves, Reuben, a bill for the benefit of his heirs 185, 227, 396, 408, 413
Green county—see Justices.
Green, Henry L., an act for the benefit of 60, 70, 103, 111
Green River Commissioners, a resolution to settle accounts of 181
Greenup county—see Election Precincts.
Grinter, S. and P. N., petition of 31
 a bill for the benefit of 107, 335, 365, 371
Gresham, Uriah, a bill for the benefit of 361, 367
Guaging spirituous liquors—see Spirituous Liquors.
Gustin, Sally, petition in favor of 112
 an act for the benefit of 176, 356, 365
Hamilton, J. P., and Harper, J. L., petition of 138, 190, 335, 365, 371
Hamilton, Thomas, an act for the benefit of his heirs 226, 248
Hamilton, William, and Dorcas Haydon, an act to divorce 362, 368, 409,
415
Hampton, John, a bill to change his name 36, 43, 93, 106, 114
Hancock county—see Justices.
Hanna, Charles F., petition of 69
Hanson, Samuel, took his seat 25
Hardin Circuit Court, a bill to repeal acts allowing an additional term to 206,
280, 310, 313
Hardin county—see Notary Public, Justices, Sheriffs.
Harlan county—see Election Precincts.
Harper, J. L.—see Hamilton.
Harris, Sarah Ann—see Murray, D. D.
Harrison county—see Constables, Sheriffs, Moore, H. C.
 an act to sell the poor house in 147, 156, 184, 195
Havens, Coonrod, an act for the benefit of 75, 175, 326, 356, 365
Hawesville Seminary, petition to amend the charter of 131
 a bill for that purpose 183, 382, 391, 411
Haydon, Dorcas—see Hamilton, William.
Hedges, Silas and E., an act for the benefit of 80, 113, 140, 146
Heeringen, Ernst—see Milk Sickness.

- Helm county, an act to establish 212, 230, 326, 333, 335
 —see Slaughter and Larue.
- Hemp, resolution concerning the purchase of, for U. S. Navy 59, 80, 81,
 280, 310, 314
 resolutions concerning water rotting, in rivers, &c. 293
- Henderson Circuit Court—see Hopkins.
- Henderson Hotel and Warehouse Company, an act incorporating 355, 362,
 409, 415
- Henry county—see Constables, Sheriffs, Courts.
 an act to attach part of, to Trimble 193, 204, 213, 231, 239
 266
- Henry, John, petition of 158
- Henry, Juliet, leave to withdraw petition of 320, 339
- Hereford, Blair and Beverly, an act for the benefit of
 Hickman county—see Constables, Sheriffs, Notary Public.
 petition to form new county out of 192
 proceedings of meeting at Mills' Point concerning 197
 affidavit, &c. concerning 197
 —see Fulton.
 an act to remove seat of justice of 266, 335, 353
 77
- Hogan, Love, petition of 138, 265, 271, 276
 a bill for the benefit of 205
- Holland, Robert C., petition of 213, 327,
 a bill for the benefit of, and of E. F. Holland 341, 348
- Holliday, T. and Lewis P., a bill for the benefit of 278, 354, 359
 Hopkins Circuit Court, a bill to change time of holding 24, 111, 120, 131,
 140, 146, 326
 an act to change the time of holding 227, 230,
 247, 259, 327, 356, 365
- Hopkins county, an act to amend the law in relation to levy of 105, 113,
 140, 146
 —see Sheriffs.
- Hopkins County Court, a bill to legalize proceedings of 251
- Hopkins and Henderson County and Circuit Courts, a bill regulating 364
- Hopkins and other County Courts, a bill to regulate terms of 390, 401, 408,
 413
- Hughes, James, petition of 158, 161
 Hughes, James N., took his seat 25
 Hunt, Almuth, petition of 275
 Huston, Mark E., took his seat 25
- Illinois, resolution of the State of, relative to Gen. Jackson's fine 33
- Independence—see Towns.
- Infants, real estate and slaves of, a bill to amend the law authorizing
 the sale of 162, 186, 396, 407, 413
- Inspectors—see Salt, Tobacco.
- Inspectors of beef, pork and lard, an act to authorize the appointment
 of 202, 306, 336, 378, 409, 415
- Insurance Companies—see Louisville, Firemans.
- Internal Improvement, committee on appointed 23—added to
 discharged from the business before them 375

INDEX.

427

- 335
, 81,
314
293
362,
415
239
266
158
339
192
197
197
, 353
77
, 276
205
, 327,
, 348
, 359
, 131,
, 326
230,
, 365
113,
0, 146
251
364
, 408,
413
, 161
25
275
25
33
g
7, 413
at
9, 415
185
375
- Internal Improvement, Governor's message concerning referred 30
report of Board in favor of L. and J. Mitchell 29
annual report of Board 59, and Documents 297
report of the communication of W. R. McKee 103
a resolution to report as to water power, &c. 137
report thereon 149
report of Board 142, and Documents 329
a resolution to report the costs, &c. of roads 181
report 223
a resolution to enquire into the claims of Contractors, &c. 409, 410, 414
an invitation from the President of the Board to ride on the Railroad 325
a bill to pay Contractors on, &c. 340, 363, 366, 372
an act for the benefit of Contractors 383, 392, 396, 405, 410, 416
—see Bonds of the State, Calloway, McCracken and Rivers.
Iron Manufacturing Company—see Muhlenburg.
Isaacs, Charles C., an act for the benefit of the heirs of 229, 248, 327, 356, 366
Israel, Adas, an act to charter 39, 49, 57, 63
Jackson, General, resolution of the State of Illinois relative to the fine of 33
Jacob, (a slave,) an act granting him a change of venue 226, 248, 326, 356, 366
Jailers, a petition for their benefit 112
a bill to regulate the pay of 192
an act for their benefit 247, 394, 406, 413
Jarrell, Ambrose, an act for the benefit of the heirs of 226, 230
Jefferson county—see Notary Public, Election Precincts.
Jefferson County Court Clerk's office, a bill concerning records of 198, 395, 408, 413
Jesse, William M., a bill to change his name 38, 43, 93, 106, 114
Jett, Peter, petition of 69, 121
Jett, Sandford, Murray W. and Fugate Lewis, an act for the benefit of 68, 79, 103, 111
Johnson county, petition to establish out of Floyd, &c. 52, 59
act establishing 212, 233, 262, 281, 303
a bill to regulate the courts in 270, 281, 379, 384, 391, 412
a bill supplemental thereto 397, 401, 408, 414
officers of nominated 284
Johnson, Thomas J., a bill for the benefit of 36, 37, 143
leave to withdraw papers 145
Jones, Merrit, petition to release him from the purchase of a turnpike gate 87
—see Madison and Wilderness road.
Jones, Mrs. of Scott county, an act for the benefit of 383, 406, 410, 415
Jones, Nicholas, petition of 270
a bill for the benefit of 321, 382, 391, 412

- Jones, Thomas, an act for the benefit of 68, 79, 103, 411
 —see Rice, Charles.
- Judge of the 5th Judicial District, a bill to regulate his salary 52, 66, 110
 Judge, Police, of Paducah, an act to regulate fees of 111
 Judiciary, committee on appointed 23
 discharged from business 406
- Jurors, an act making further provisions to pay 345, 360, 362, 388, 389
 —see Civil Proceedings.
- Jury laws, a bill to amend 249, 396, 408, 414
- Justices' Courts, an act regulating the time of holding 327, 345, 377, 381,
 409, 415
 a bill supplemental thereto 389, 393, 407, 413
- Justices of the Peace—see Magistrates.
 a bill to regulate trials before 321
 a bill concerning records, &c. of 362, 396, 398, 408,
 414
 an act to allow to certain counties 147, 213, 231, 239
 an act allowing additional to certain counties 226,
 229, 269, 274
- Justices of the Peace, acts, &c. concerning in—
 Adair 24, 43, 93, 102, 119, 129
 Anderson 131, 143
 Calloway 75, 86, 118, 126
 Casey 304, 312, 342, 355
 Crittenden 40, 50, 58, 63
 Daviess 75, 86, 118, 126
 Garrard 239, 249, 280, 311, 313
 Green 408, 414
 Hancock 357
 Hardin 138, 144, 153, 167, 231, 233, 363, 401, 408,
 414
 Harlan 64, 70, 103, 111
 Letcher 64, 70, 103, 111
 Lincoln, 266, 268, 280, 311, 313
 Marshall 57, 78, 93, 106, 114
 Mercer 197, 369
 Trimble 105, 113, 140, 146
 Wayne 117, 123, 140, 146
- Kendley, Hiram, an act allowing a change of venue 105, 113, 140, 146
 an act for the benefit of 396, 397, 410
- Kenton county—see Sheriffs.
- Kenton County Court, an act authorizing to lay an additional levy 188, 198,
 231, 239
- Kentucky, public debt of 18—see Bonds.
- Kentucky and Louisville Mutual Insurance Company—see Louisville.
- Kentucky Conference, communication from Commissioners of 304
- King, George W., leave to withdraw memorial 151
- King, Samuel B., an act for the benefit of 226, 259
- Knott, J. P., memorial of 125
- Knox County Court, a bill to legalize proceedings of 280, 281, 382, 391, 412

INDEX.

429

- 411 Lancaster, Samuel, letter of, on tobacco inspection &c. 285
Lancaster—see Towns.
110 Lands, an act to amend the law concerning processioning 226, 248, 326,
111 356, 366
23 forfeited, &c., a bill authorizing the Second Auditor to sell 47, 136,
406 198, 251, 273, 394, 407, 413
389 an act for the benefit of bona fide occupants of 155, 169, 186, 205,
414 344, 349
—see Wayne.
381 a bill to amend the law for condemning for public purposes 24
415 petition to repeal said law 53
413 a resolution to enquire as to giving further time to redeem when
321 sold under execution 36
a bill for that purpose 247, 323
408, west Tennessee river, resolution as to record books of, &c. 130
414 Landlord and Tenant, a bill to amend the law better to protect the
239 rights of 37, 49, 51, 274, 307, 311, 388, 391, 412
226, Land warrants—see Surveys.
274 Languages, foreign—see Writings.
Laurel county—see Sheriffs.
129 Larue county, an act to establish 357, 365
143 an act supplemental thereto 354, 363, 401, 408, 414
126 officers of nominated 372, 384, 394
355 Law books, a bill concerning certain 169, 393, 407, 413
8, 63 Law process, a bill to suspend 67
126 Leathers, John, an act for the benefit of the heirs of 396
313 Leathers, John and wife, a bill to ratify the marriage of 166, 230, 260, 396,
414 407, 413
357 a bill for the benefit of 384, 401, 407
408, Lebanon—see Towns.
414 Letcher county, an act establishing county seat of 122, 129, 140, 146
111 an act concerning boundary line of 122, 129, 140, 146
111 an act to change the time of holding the County
313 Court of 355, 362, 381, 395
114 —see Election Precincts.
369 Lewis, Andrew, an act for the benefit of 266, 304, 342, 355
146 Lewis, Jacob, memorial of 168
146 a bill concerning lands granted to him 249, 262, 275, 382,
146 390, 411
Lexington Grenadiers, a bill to amend an act for the benefit of 66, 71
Lexington and Ohio Railroad—see Railroad.
198 Lexington Fire Companies, an act to amend an act establishing 105, 120,
239 148, 168, 184, 196
—see Constables in Fayette.
304 Librarian, annual report of 100
151 directed to purchase a Bible for the use of the Senate 278
259 elected 296
125 Library, committee on appointed 23
412 Licking Valley Bank—see Banks.
Lincoln county—see Justices.

- Livingston, Andrew S., petition of
 a bill for the benefit of 122, 131
Livingston county—see Sheriffs. 162, 327, 341, 348
- Logan county—see Constables.
- Long, Brumfield, an act for the benefit of his surviving executor 155, 160,
 184, 196
- Loughborough's Digest, a resolution concerning 47
 a bill to purchase 69, 102, 216
- Loughborough, P. S., letter from 54
- Louisville Ky. and Mutual Insurance Co. report of 25
 a bill to amend the charter 183,
 210
 an act to amend charter of 252,
 304, 326, 381, 395
- Louisville and Portland Canal Company, annual report of 62, and
 Documents 294
- Legion—see Militia.
a bill better to establish the fire department of 162, 396, 408, 413
- Chancery Court, Marshal of nominated 204
see Chancellor, Fireman's Insurance Company.
- Lunatic Asylum, report of Commissioners of 49, and Documents 259
 a resolution to appoint a committee to examine 66, 93,
 106, 114
 report of the committee 254
 a bill to amend laws establishing, &c. 306, 314, 334, 401,
 408, 414
 a bill to provide for the government of 405
- Lunatics—see persons of unsound mind, Sheriffs.
- Lynch, Wm., an act for the benefit of 64, 70, 103, 111
- McClary, Mary, an act to provide for a change of venue 226, 248, 326, 356,
 366
- McClurg, Josiah, a bill for the benefit of 330, 367, 401, 408
- McCoy, Alexander, a resolution for the Governor to lay before the Sen-
ate a remonstrance against his appointment as
 Major 80
 report of the Governor, and nomination referred 85
 report 135
- McCracken county—see Sheriffs.
 an act for the benefit of Commissioners of Inter-
 nal Improvement in 320, 328, 357, 365
- McDonough, James R., an act for the benefit of 172, 185, 191, 260, 292, 305
- McDowell, Charles, an act to authorize a sale of the real estate of 80, 95,
 167, 184, 195
- McKee, A. R., a bill for the benefit of 185
- McKinney, Andrew J., an act for the benefit of 336, 347, 364, 383
- McKnight, Eliza, petition of 64, 85
 a bill for the benefit of 95, 107, 327, 341, 349
- McLaughlin, James, an act to change venue in his case 39, 51, 55, 92, 118,
 126
 remonstrance against 49

- McLean, a bill to establish the county of
remonstrance against 144, 155, 169, 261
155
- Madisonville—see towns.
- Magistrates' Courts, a bill to regulate the time of holding 110, 121, 212
- Maine, resolutions of the State of 245
- Manufactures, Essay on, by A. Beatty 61
- of woolen, a bill to encourage 67
- Marcum, James, petition of 112
- a bill granting a change of venue 144, 265, 271, 276
- Married women—see Women.
- Marine Hospitals—see Rivers.
- Marshall county—see Justices.
- an act for the benefit of 105, 113, 140, 146
- an act for a re-location of the seat of justice of 131, 148,
158, 168
- Seminary lands, a bill to authorize the sale of 139, 144,
231, 233
- Marshall, John J., petition of 227
- a bill for the benefit of 234, 382, 388, 407
- Mason county—see Election Precincts.
- Mason, Mary, an act for the benefit of 320, 328, 356, 365
- Massol & Company, petition of 205
- a bill for the benefit of 321
- Mayo, Jacob, an act for the benefit of 68, 133, 168, 184, 196
- Maysville—see Towns.
- Meadows, Wm. T., an act for the benefit of 275, 311, 321, 339, 357, 365
- Mechanics, a bill for the benefit of 292, 340, 376
- in Oldham and other counties, an act for the benefit of 319, 340
- Mercer county—see Constables, Justices.
- Methodist Mount Tabor Church, petition to sell 184, 193
- Methodist Church, petition to vest a lot in Midway in 232
- see Kentucky Conference.
- Mileage—see General Assembly.
- Midway—see Towns.¶
- Miles, Thomas H., an act to sell a slave of 155, 156, 204, 228, 269, 274
23
- Military Affairs, committee on, appointed 394
- Militia officers nominated 72, 136, 142, 156, 193, 194, 222, 232, 370, 394
- 115 Regiment, a bill for the benefit of the Paymaster of 218, 228,
382, 389, 406
- Militia Law, a bill to amend 67, 182
- an act to alter the time of holding Court of Assessment 383
- a bill to alter the time of holding the Court of Assessment
of 110th Regiment 136, 182
- an act to legalize the settlement of the 20th Regiment 383, 409,
415
- Louisville Legion, a bill to repeal an act concerning 136
- remonstrance against 158, 160
- a bill to amend said act 162, 371, 391, 411
- a bill to organize a voluntary corps in Shelbyville 336, 376
- Milk Sickness, petition of Heeringen concerning 56, 92, 119, 126, 158
- committee appointed 106

- | | |
|---|------------------------------|
| Milk Sickness, a bill to amend the law concerning | 207, 213, 264, 306 |
| Miller, Christopher, memorial respecting | 330, 381, 391, 412 |
| Mills, a bill to regulate tolls of, &c., in Trigg and Caldwell counties | 258, 293, |
| | 382, 406, 413 |
| Mississippi—see Rivers. | |
| Missouri—see Rivers. | |
| Mitchell, Elizabeth, petition of | 36 |
| a bill to divorce | 58, 327, 341, 348 |
| Mitchell, L. & J., report of the Board of Internal Improvement in their | |
| favor | 29 |
| a bill for their benefit | 71 |
| Mitchell, Marget, petition of | 144 |
| Money, an act appropriating | 394, 402, 411, 416 |
| Monroe county—see Election Precincts. | |
| Montgomery County Court, a bill concerning deeds, &c. in, and to re- | |
| cord deeds, &c. | 234, 247, 394, 406, 413 |
| —see Election Precincts. | |
| Moore, Andrew's heirs, petition of | 313, 321 |
| Moore, John A., resignation of, 47—writ of election ordered | 49 |
| Moore, Morris, an act for the benefit of | 56, 65, 93, 118, 126 |
| Moore, Henry C., a bill concerning bequest by him to Harrison County | |
| Court | 172, 183, 393, 406 |
| Morgan county, a bill for the benefit of the citizens of | 30 |
| an act to change the terms of County and Circuit Court, | |
| &c. | 196, 265, 281, 303 |
| —see Sheriffs, Election Precincts. | |
| Morgan and Breathitt, a bill to change the time of holding Courts in | 195, |
| | 204, 396, 400, 407, 414 |
| Morgan, Daniel, took his seat | 7 |
| Morgan, J. S., took his seat | 7 |
| Morganfield—see Towns. | |
| Mortgages, &c., a resolution to enquire as to prohibiting debtors from | |
| making, preferring creditors | 24 |
| a bill concerning | 57, 125, 193 |
| Morton, Eleanor, petition of | 53 |
| a bill for the benefit of, and children | 57, 151, 167, 172 |
| Mount, Charlotte, an act for the benefit of | 81, 123, 167, 184, 196 |
| Muhlenburg Iron Manufacturing Company, a bill to incorporate | 56 |
| —see Ohio and Muhlenburg. | |
| Muhlenburg, Daviess and Ohio, petition for a new county out of | 77 |
| —see McLean. | |
| Murray, Drury Davis, William Goose, and Sarah Ann Harris, acts to | |
| change their names | 38, 43, 57, 63 |
| Murray, William—see Jett, Sanford. | |
| Neagle, John, letter from | 217 |
| Nelson county, petition to add part of, to Spencer | 131, 145, 148 |
| —see Sheriffs. | |
| Nelson, Samuel, an act for the benefit of | 193, 204, 207, 216, 226, 305 |
| Newman, John E., nominated Police Judge of Smithland | 391 |
| Nicholas county—see Constables, Sheriffs. | |

INDEX.

433

306	Nolin, petition to improve navigation of	217
412	North & Bassett, petition of	27
293,	a bill for the benefit of	54
413	Notary Public—nominations of—	
36	in Bullitt	379
348	in Hardin	32
29	in Hickman	129
71	in Jefferson	32
144	Oakley, Edmund, an act for the benefit of	336, 354
416	Oaths, a bill prescribing mode of administering, to witnesses, &c.	30, 35, 38
126	Occupants—see Lands.	
30	O'Conner, Emily, petition of	77, 139, 327, 365, 371
413	Officers—see Public Officers, Salaries.	
321	Offices—see Public Offices.	
49	Ogles, Ann, petition of	31
126	Ohio—see Rivers, Sheriffs.	
30	and Muhlenburg Manufacturing Company, act to incorporate	57, 151,
, 303	167, 171	
195,	Oldham County—see Courts, Constables.	
414	Oregon Territory, resolution concerning	259, 280, 310, 313
7	Owenborough—see Towns.	
24	Owsley, an act to establish the county of	75, 85, 102, 119, 126
193	a bill supplemental thereto	293, 382, 389, 401, 408, 414
53	act to add to 10th judicial district	205, 347, 355, 364, 383
172	officers of nominated	246
196	Oysters, essay of R. G. Carter on	168
56	a bill to incorporate company	260, 396, 408, 413
77	Paducah, Police Judge of, nominated	32
7	Page, Ann Eliza, a bill for the benefit of	80, 110, 114, 146, 167, 172
24	Palmer, R. C., took his seat	31
193	Paris Fire Company, petition to augment the number of	329
53	a bill to amend the law establishing	340, 382, 389, 402
172	Parker, Thomas, &c., an act for the benefit of	336, 354, 364, 383
196	Passways, private, act to extend the law of	152, 157, 186
56	Patrick, Bryce, and wife, petition of	24
77	a bill to divorce	65, 72, 109, 327, 341, 348
7, 63	Payne, Thomas Y., took his seat	25
217	Payne, William R., administrator, an act for the benefit of	56, 135, 158, 168
148	Pedlers, a bill to amend the law concerning	67, 148, 240, 401, 414
305	Penal laws, resolution respecting	218
391	an act to amend	394, 396, 398, 410, 416
0	Pendleton county—see Campbell, Sheriffs, Roads.	
217	Penitentiary, committee on, appointed	23
148	a resolution for committee to enquire as to legislating con-	
305	cerning	130
391	annual report of Keeper 29, and Documents	235
0	a resolution to elect Keeper—see Public Officers.	
217	an act to provide for settlement with present Keeper, and	
148	to elect another Keeper	270, 278, 282, 291, 342
305		
391		

Penitentiary, report of Commissioners of Sinking Fund concerning value of cells, &c., 278, and Documents	385
Keepers of, elected	297
Clerk of, nominated	314
Perry County—see Sheriffs.	
Persons of unsound mind, a bill to amend the law concerning	182, 205, 396, 407, 408, 414
dying without heirs, &c.—see Estates.	
Philips, James, a bill for the benefit of the heirs of	397, 401, 408, 414
Pike county—see Election Precincts.	
an act for the benefit of the citizens of	172, 185, 249, 261, 292, 328, 388
—see Dodson, Thomas, &c.	
Piquet, A. F., agent of Swan, petition of	26
Pitman, R. & L., petition of heirs of	27, 37
Police Judges, nominated	32, 129, 370, 391
Pomeroy, Phineas, an act for the benefit of	404
Poor house—see Harrison county.	
Portch, Ezekiel A.—see Jailers.	
Porter, Caroline E. M., a bill for the benefit of	305, 393, 406
Porter, David T. C., &c., an act for the benefit of	68, 79, 103, 111
Portland—see Towns.	
Portland Dry Dock and Insurance Company, petition of	118
Powers, Henry S., petition of	69
a bill for the benefit of	79, 155, 167, 171
Preachers, petition to exempt from toll on turnpike roads	320, 348
Prather, James L., &c., petition of	26, 161
Presbyterian church in Simpson county, an act to incorporate	117, 123, 168, 184, 196
in Henderson, petition of	192
a bill for the benefit of	194, 263, 393, 407
in Washington, an act to incorporate	280, 311, 327, 356, 365
—see Cumberland Presbyterian Church.	
Price, Hannah, memorial of 172—affidavit of	254
Prison bounds, a bill to explain the law concerning, &c.	78, 102, 108, 113, 123, 140, 274, 307, 311, 388, 389
Privileges and Elections, committee on, appointed	23—report of
Process against absconding debtors, a bill to enforce service of	172
Processioning lands—see Lands.	
Property, a bill to amend the law for the trial of the right of	67, 106, 125, 126, 274, 277
—see Executions.	
Propositions and Grievances, committee on, appointed	23—added to
Protestant Episcopal Church—see Episcopal Church.	
Public buildings, committee on, appointed	23
Public officers, a resolution fixing a day to elect	130, 136, 258, 281 election of
294	
Public offices, committee on, appointed	23
Public books, a bill to amend the law concerning the distribution of	258, 305, 320, 382, 406, 413

INDEX.

435

- 385
297
314
396,
414
414
292,
388
26
, 37
391
404
406
111
118
69
171
348
161
168,
196
192
407
327,
365
254
113,
389
272
172
125,
277
148
23
281
294
23
258,
413
Public books—see Law Books.
Public Printer, elected 295
Quiett, James, and others, an act for the benefit of 168, 182, 189, 196
Railroad, Lexington and Ohio, communication of McKee concerning 103,
104, 110
a bill to authorize improvements on 217, 237
a bill to amend the law respecting 328, 342,
346, 371, 390, 411
Real estate—see Infants.
Recess each day, resolution for 27, 34, 260
Reid, Daniel—see Road from Mountsterling to Prestonsburg.
Relief, resolutions concerning 95
Religion, committee on, appointed 23—discharged from business 410
Replevin—see Prison bounds.
Revenue, a bill for appointment of Collectors of 135, 345, 364, 371
a bill concerning collection of 227, 241, 393, 406, 413
Revenue laws, a bill to amend 359, 368, 401, 408, 413
an act to amend, 336, 375, 385, 409, 415
containing new items of taxation, resolution to transmit
to Commissioners of, Tax, &c., 404, 410, 414
Rhode Island, resolutions of the State of 243
Rice, Charles, and Thomas Jones, an act for the benefit of 336, 354
Rice, James M., petition of 53
a bill for the benefit of 78, 167, 231, 233
Rice, W. W., a bill for the benefit of 206, 335, 365, 371
Richeson, Samuel—see Dodson, Thomas.
Ringo, Richard—see Stone, Charles.
Right of property—see Property.
Rivers, Mississippi, Ohio and Missouri, Governor's message concerning, referred 39
resolution to remove obstructions to navigation of, and to establish Marine Hospitals on 124, 151, 166, 172
resolution to enquire as to costs of improving the rivers in this State 154
report of Board 199
—see Nolin, Trammel's Fork.
Green and Barren, an act to fix tolls on, &c. 258, 346, 360, 390,
407, 413
Board of Commissioners for, nominated 404
Roads, a resolution for the Board of Internal Improvement to report
costs of 181
a bill to reduce tolls on 24, 353
a bill to authorize leasing turnpike 328, 390
collateral with turnpikes, a bill regulating 292, 335
upon Tennessee line 293
in Campbell 188, 293, 342, 355
Crab Orchard and Cumberland Gap 56, 66, 125, 140, 146
in Florence 239, 249, 382, 391, 412
Franklin county to Crab Orchard 383, 398, 410, 416

- Roads, Frankfort and Lee's Branch 234, 249, 382, 407
 Georgetown and Covington 330, 340, 368
 Glasgow to the Tennessee line 280
 Goose creek, in Clay and Laurel 111, 204, 270, 281, 303
 in Knox and Clay 252, 293, 326, 356, 365
 in Hickman, Ballard and McCracken 188, 203, 265, 292
 —see Roads west Tennessee river.
 Liberty to Albany 383, 409, 415
 Lexington to Covington 37, 353
 Louisville turnpike 399, 411, 416
 Louisville and Elizabethtown 399, 411, 416
 Madison and Wilderness 87, 114, 125, 243, 261, 271, 277
 Maysville and Mountsterling 218
 in Morgan, Floyd and Pike 105, 113, 140, 146
 Mountsterling to Prestonsburg 246, 291, 382, 406, 413
 Mouth of Laurel to Bates' salt works 188, 368, 409, 415
 New Liberty to Covington 56, 66, 103, 111
 from Ohio river to Albany in Clinton county 147, 157, 183, 196
 Owingsville and Big Sandy 36, 68, 103, 111, 249, 252, 382, 391, 412
 in Pendleton county 56, 70, 82, 119, 126
 in Shelby, Trimble, Bourbon and Montgomery 197, 217, 269, 274
 Versailles and Frankfort 188, 264, 353
 west of Tennessee river 292, 326, 356, 366
 Williamsburg to London 172, 185, 248, 326, 356, 366
- Roberts, Joseph G.—see Holliday, T. & L. P.
 Robertson, Alexander H., nominated Commonwealth's Attorney 363
 Robinson, Mary, petition of 51
 a bill to divorce 70, 327, 341, 348
 Rock, Rosanna, an act for the benefit of 319, 329, 356, 366
 Rockcastle—see Sheriffs.
 Roden, James, a bill for the benefit of 112, 321
 Rodgers, Bernard F., petition of 154
 a bill for the benefit of 181, 205
 Roney, Mary, petition of 118
 a bill to divorce 175, 327, 341, 348
 Roundtree—see Towns, Lebanon.
 Runner, Mary, petition of 49
 a bill for the benefit of 139, 327, 341, 348
 Russellville—see Towns.
 Salaries of certain officers, an act to reduce 270, 278, 329, 388, 389, 395, 408, 415
 of Judges, &c., a bill to amend the law granting 37
 Salt, inspection of, at Louisville, petition to abolish 42
 remonstrance against 53, 158, 197, 235
 a bill to amend the law regulating inspections of 291
 Sam, (a slave) an act granting a change of venue to 304, 321, 341, 355
 Samuel, Robert, a bill for the relief of widow and heirs of 361, 373, 396, 407, 413
 Samuel, Robert F., nominated notary public 379
 Sanders, David B., &c., an act for the benefit of 303, 322, 327, 342

INDEX.

437

- Sandford, Lawrence, an act for benefit of administrators and heirs of 226, 229, 269, 274
 Sayre, David A., petition of 138
 a bill for the benefit of 153
 Scarborough, George, petition of 193—see Owensborough.
 Schenlaub, Jacob, an act for the benefit of 336, 368
 School Fund, resolution concerning 71, 234
 report 251, 253, 369
 Schools, common, Governor's message concerning, referred 30
 —see Superintendent of Public Instruction, Teachers.
 a bill to repeal the law establishing 68, 102, 106, 130, 354
 resolution for Superintendent to report money paid to
 School Commissioners 74—report 93
 a bill to amend the law establishing 107, 136, 151, 159,
 166, 172, 176, 190, 407, 414
 in Graves county, an act for the benefit of 366, 376, 415
 in Wayne county, an act for the benefit of 383, 408, 415
 Trustees of, in Ghent, an act to incorporate 383, 405, 411,
 416
 Scheussler, Frederica Louisa, an act to divorce 388, 406, 413
 Scott county—see Sheriffs.
 Court, an act authorizing to exchange poor house lands 227,
 229, 269, 274
 Seals or scrolls to writings, an act to amend the law requiring 68, 77, 93,
 118, 126
 Seat of Government, report of committee concerning 173
 a bill to remove 175, 207
 Seminary—see Hawesville, Trigg, Falmouth, Estill, Episcopal Church,
 Simpson, Ghent.
 Seminary lands—see Calloway and Marshall.
 Senate organized 3-7
 resolution to meet at 9 o'clock 182
 invitation of Mr. Nagle to see potrait of Mr. Clay 217
 of President of the Board of Internal Imp. to ride on
 Railroad 325
 resolution concerning members speaking 330
 concerning pay of members 397
 Senator, U. S., resolution fixing a day to elect 22, 30, 38, 39, 44
 election of 48
 Sharpsburg—see Towns.
 Shawhan, Mary, petition of 60
 a bill for the benefit of 64, 327, 341, 349
 Shelby county—see Sheriffs.
 Shelby College, a bill to amend acts for the benefit of 112, 139, 265, 271, 276
 Shelbyville Fire Company, petition concerning 31
 a bill to amend the law relative to 230, 396, 407,
 413
 —see Towns.
 Shelton, Jackson, &c. an act for the benefit of 50, 54, 103, 111
 Sheriffs and Constables, a bill to amend the law concerning 213, 228, 396,
 408, 413
 —see Extortion, &c.

INDEX.

- Sheriffs, a bill providing compensation to, for carrying lunatics to the Asylum, &c. 135, 198, 264, 275, 401, 413
 a bill to define the duties of 139
 an act for the benefit of certain 147, 158, 168, 175, 189, 196
 acts, &c. concerning—nominations of, &c.— 32, 336, 368, 409, 415
 Anderson 107
 Barren 110
 Boone 112
 Bourbon 32
 Breathitt 32
 Breckinridge 32
 Bullitt 182, 207, 326, 356, 366
 Campbell 229, 248, 281, 303
 Carroll 188, 192, 231, 239
 Carter 166
 Casey 79
 Christian 341, 348
 Clay 357, 382, 391, 400, 412
 Clinton 32, 38, 47, 57, 63
 Cumberland 80
 Daviess 32, 188, 198, 326, 356, 366
 Estill 32, 71, 105, 121, 135, 146
 Fayette 32
 Floyd 32
 Grant 188, 192, 231, 239
 Graves 105, 121, 135, 146
 Hardin 192
 Harrison 36
 Henry 55, 57, 142, 155, 167, 171
 Hickman 59, 71, 280, 306, 341, 348
 Hopkins 105, 121, 135, 146
 Kenton 86
 Laurel 32, 56, 61, 102, 111
 Livingston 105, 121, 135, 146
 McCracken 32, 105, 121, 135, 146, 151
 Montgomery 67, 266, 275, 342, 355
 Morgan 32, 62
 Nelson 277
 Nicholas 159
 Ohio 105, 121, 135, 146
 Pendleton 43
 Perry 105, 121, 135, 146
 Rockcastle 166, 207, 271, 356, 366
 Scott 198, 266, 275, 342, 355, 356, 366
 Shelby 51
 Trimble 270
 Wayne 188, 198, 326, 356, 366
 Whitley 182, 207, 326, 356, 366
 Silk cocoons, petition of Semple & Co. to increase the premium on 122
 a bill to amend an act granting a bounty on 367, 401, 408, 414

INDEX.

439

- Silvertooth, Lucy, petition of
 a bill to divorce George and Lucy 57
- Simmons, Thomas, Silas, Gray and W. W. Simmons, an act for the
 benefit of 144
- Simpson Circuit Court, an act concerning 383, 408, 415
- Simpson, Samuel, a bill for the benefit of 147, 152, 183, 195
- Simpson Seminary, an act for the benefit of 367, 377, 402, 408, 414
- Sinking Fund, committee on appointed
 report of the committee 23
- Governor's message on, referred 282
- annual report of commissioners of 30
- see Documents 121
- an act to increase the resources of 280, 329, 356, 366
- an act to add to the resources of 383, 402, 405, 411, 416
- Skeans, Nancy, petition of 37, 47, 158
- Slaughter county, an act to establish 230
- Slave, runaway, an act to sell 39, 49
- Slaves, a bill to amend the law of 1833 touching importation of 22, 108, 117
- Slaves, &c., an act to amend acts respecting 152, 156, 183, 195
- an act to amend the law prohibiting the importation of 155, 192,
 194, 205, 221
- under execution, a bill to regulate the sale of 398, 402, 408, 414
- Smallwood Lois, an act for the benefit of 336, 375, 409, 415
- Smart, Lucinda S., petition of 52
- a bill for the benefit of 58, 106, 327, 341, 349
- Smiley, Milton, and Saufley, Wm. P., petition of 23
- Smith, E. F., an act granting a change of venue 152, 156, 184, 196
- Smith, Morrison, a bill to authorize his committee to vest his money in
 lands 52
- Smith, Nancy W., petition of 36
- a bill to divorce 61, 327, 341, 349
- Smithey, Fielding, &c., an act for the benefit of 227, 248, 326, 356, 365
- Smithland—see Towns.
- Somerset—see Towns, Banks.
- Sourds, Lewis, act for the benefit of 147, 248, 326, 356, 366
- Sparks, Thomas, an act to change his name 117, 123, 140, 146
- Spirituous liquors, a bill to amend an act for guaging of 124, 157, 265, 271,
 276
- Stanford—see towns.
- State Bonds—see Bonds.
- Steam Boats, an act concerning 229, 247, 357, 366
- Stevens, Wm., an act for the benefit of 138, 161, 184, 196
- Stevenson, Thomas B., nominated Clerk of the Penitentiary 314
- Stigall, Constantine, petition of 212
- a bill for the benefit of 227, 233, 334, 363
- Stone, Charles, petition of Boyd to appoint a guardian for 81
- a bill authorizing R. Ringo to remove slaves of 106, 196,
 231, 233
- Stone, John, petition of 57, 85
- Stovall, Daniel, and Isham Thomas, a bill for the benefit of 357, 382, 406

- Summers, Thomas, Gray, Silas, and Summers, W. W., an act for the benefit of 383, 408, 415
 Superintendent of Public Instruction nominated 32, 400
 annual report of 53, and Doc. 241
 report of 93
 Sureties, resolution concerning 143
 Surveyor of Floyd county, a bill for the benefit of 62, 78, 151, 167, 172
 Surveyors, County, an act to amend the law concerning 50, 53, 103, 111
 Surveys, an act giving further time to make, &c. 38, 42, 92, 119, 126
 Swan, James, heirs, &c. petition of 26
 Sympson, James C., took his seat 216
 resolution concerning his pay 377
 Sympson, William, a bill for the benefit of 367
 Sympson, Samuel—see Simpson, Samuel.
 Taggart, James, Sheriff of Muhlenburg, an act for the benefit of 168, 176,
 191, 231, 239
 Tanner, Wm., permitted to take a seat in the Senate Chamber to re-
 port proceedings 8
 Tax—see Revenue.
 Tax, Commissioners of, a resolution for the 2d Auditor to report the amount paid to 30—report 40
 committee on Finance to enquire as to the pay
 of 30
 amendment to increase pay of 241
 petition of Fayette County Court to increase
 the pay of 31
 in 1842, an act for the benefit of 394, 400
 Tax on ferries, resolution to enquire as to 188
 Taylor, T. C. and Aulsebrook, John, an act for the benefit of 320, 347, 381,
 395
 Teachers, College of, a resolution to organize
 a bill to establish 217, 264
 Tennessee, communication of the Governor of 285
 Theological seminary—see Episcopal Church.
 Thomas, Isham—see Stovall, Daniel.
 Thompkins, Henry M., petition of 239
 Thompson, John, petition of 31, 37
 Thomson, Eunice A. &c. petition of
 a bill for the benefit of 291, 382, 392, 411
 Thomson, M. V., Speaker, vote of thanks to 416
 Tilford, John, petition of
 a bill for the benefit of 168
 190, 277
 Tilford, T. D., permitted to report proceedings of the Senate 21
 Tobacco, inspection in Monroe county, an act to establish 196, 231, 239
 communication from the Governor of Tennessee on the sub-
 ject of 284, 285
 Todd, Samuel, an act for the benefit of 336, 358, 388, 409, 415
 Tolls—see Roads.
 Towns, Cities, &c.—acts, &c. in relation to—
 Bardstown 32, 136, 147, 152, 183, 195

Towns, Cities, &c.—acts, &c. in relation to—

- Bedford 205, 213, 326, 356, 366
 Bowlinggreen 24, 27, 63, 106, 115, 129
 Burksville 27, 63, 106, 115
 Carlisle 184, 190
 Columbus 270, 278, 369
 Covington 112
 Dover 383, 409, 415
 Elkton 22, 24, 27, 33, 93, 106, 114
 Frankfort 304, 321
 Ghent 383, 405
 Glasgow 189, 197
 Independence 396, 410, 411, 416
 Lancaster 152, 156
 Lebanon 154, 156, 265, 271, 276
 —see Louisville and Lexington.
 Madisonville 80, 86, 148, 265, 271, 276
 Maysville, Mayor of nominated 117
 Midway 52, 60, 143, 145, 167, 172
 Morganfield 227, 229, 269, 274, 370
 Owenboro' 193, 198, 319, 339, 356, 365, 395, 407, 413
 Paducah 32, 80, 92, 111, 119, 126
 Portland 355, 362, 381, 395
 Russellville 60, 64, 93, 119, 126
 Sharpsburg 345, 357, 381, 395
 Shelbyville 147, 152, 183, 195
 Smithland 152, 169, 226, 229, 269, 274, 326 381, 395
 Somerset 55, 58, 401, 407, 414
 Stanford 227, 230
 Winchester 206, 232, 233
 Trammel's Fork of Drake's creek, an act to repeal the law declaring it
 navigable 60, 70, 103, 111
 Transylvania University, Trustees of nominated 32
 resolution to appoint a committee to examine 66,
 93, 106, 114
 report of committee 213
 overseers of nominated 137
 Treasurer, annual report of 28, and Documents 219
 elected 295
 sureties of nominated 372
 Trigg county—see Mills.
 Seminary, petition of the Trustees of 144
 a bill for the benefit of 190, 382, 391, 412
 Trimble county—see Sheriffs, Election Precincts, Courts, Constables,
 Justices.
 Trimble, John, petition of 147
 a bill granting him a change of venue 153, 165, 271, 276
 Usury and extortion, a bill to suppress 22, 39, 51, 59, 62, 66, 87, 94, 107,
 115

- Vannarsdall, Ann, petition of 52
 a bill to divorce 61, 327, 341, 348
- Venue, an act to amend the law authorizing changes of, in civil cases 266,
 304, 342, 355
- Versailles—see Banks.
- Waring, John U., remonstrance of 173, 197
- Washington's birth day, a resolution to fire a salute on 269
- Water power—see Internal Improvements.
 a bill to grant to United States for armory 253, 382, 407, 413
- Watkins, Ed. G., an act for the benefit of 144, 314
- Wayne county, a bill to reduce the price of vacant lands in, &c. 117, 128,
 140, 146
 a bill to add to 18th judicial district 190, 197, 206, 395
- Wayne County Court, an act to change the terms of 206
 —see Schools.
- Webb, Ben., &c., an act for the benefit of 217, 228, 329, 388, 409, 415
- Weights and measures, an act giving further time to procure 345, 359, 388,
 409, 415
- Wernwag, Lewis V., petition of 155
 a bill for the benefit of 183, 234, 328, 390
- Western coal company, petition to incorporate, 246
 a bill to incorporate 267, 382, 391, 411
- Whitley county—see Sheriffs, Election Precincts.
- Williams, Elizabeth, an act for the benefit of 275, 311, 341, 355
- Williams, Jonathan, an act for the benefit of 227, 241, 246, 320, 342, 355
- Willis, Thomas, petition of guardian of the heirs of 69
- Winchester—see Towns.
- Winston, Jas. H., an act for the benefit of 39, 61, 103, 111
- Wintersmith, H. G. V., an act to sell a slave of 155, 160
- Women, married, an act to protect the rights of, &c. 155, 160, 184, 196
- Woodson, Tucker, took his seat 7
- Wooldridge, John W., heirs of, an act for the benefit of 50, 53, 103, 111
- Wooldridge, Thomas M., petition 23
 a bill for the benefit of, and wife and children 143,
 265, 271, 276
- Wooten, Thomas D., an act for the benefit of 155, 160
- Wooten, William H., an act for the benefit of 396, 405, 411, 416
- Workingmen's Association of Newport, an act to incorporate 50, 119, 125,
 140, 146
- Worley, Caleb T., &c., an act for the benefit of 383, 409, 415
- Writings in foreign languages, a bill concerning 55, 247, 262, 396, 407, 413
 —see Seals.
- Wycoff, John, petition in his favor 118, 306